



REGULAR MEETING OF THE BOARD OF DIRECTORS

District Office, 18966 Ferretti Road

Groveland, CA 95321

(209) 962-7161 www.gcsd.org

AGENDA

March 9, 2021

10:00 a.m.

LOCATION: TELECONFERENCE - SEE BELOW

IMPORTANT NOTICE REGARDING COVID-19 AND TELECONFERENCED MEETINGS:

Based on the mandates by the Governor's in Executive Order 33-20 and the County Public Health Officer to shelter in place and the guidance from the CDC, to minimize the spread of the coronavirus, please note the following changes to the District's ordinary meeting procedures:

- The District office is open to the public at this time from 9am to 4:30pm Monday through Thursday and 9am to 4pm on Friday (Closed between 12pm-2pm).
- The meeting will be conducted via teleconference using Zoom. (See authorization in the Governor's Executive Order 29-20)
- All members of the public seeking to observe and/or to address the GCSB Board may participate in the meeting telephonically or otherwise electronically in the manner described below.

HOW TO OBSERVE AND PARTICIPATE IN THE MEETING:

Computer, tablet or smartphone: Watch the live streaming of the meeting from a computer by navigating to <https://us02web.zoom.us/j/7688070165> using a computer with internet access that meets Zoom's system requirements

Telephone: Listen to the meeting live by calling Zoom at (253) 215-8782 or (301) 715-8592. Enter the Meeting ID# 279-281-953 followed by the pound (#) key. More phone numbers can be found on Zoom's website at <https://zoom.us/u/abb4GNs5xM> if the line is busy.

Mobile: Log in through the Zoom mobile app on a smartphone and enter Meeting ID# 279-281-953.

HOW TO SUBMIT PUBLIC COMMENTS:

Written/ Read Aloud: Please email your comments to board@gcsd.org, write "Public Comment" in the subject line. In the body of the email, include the agenda item number and title, as well as your comments. If you would like your comment to be read aloud at the meeting (not to exceed three minutes at staff's cadence), prominently write "Read Aloud at Meeting" at the top of the email.

Telephonic / Electronic Comments: During the meeting, the Board President or designee will announce the opportunity to make public comments by voice and in writing, and identify the cut off time for submission of written comments. Comments can be emailed in advance of the Board meeting and up to the time of Board consideration of the item during the meeting. Send email to board@gcsd.org, and write "Public Comment" in the subject line. Once you have joined the Board meeting online using Zoom, public comments can also be submitted using the Chat function while in the Zoom Meeting. In the body of the email or Chat, include the agenda item number and its title, as well as your comments. The Board President will also public comment to be made verbally prior to consideration of each agenda item, and will explain the procedure for making verbal comments during the meeting. Once the public comment period is closed, comments timely received in advance of consideration of the agenda item will be read aloud

prior to Board action on the matter. Comments received after the close of the public comment period will be added to the record after the meeting.

ACCESSIBILITY INFORMATION:

Board Meetings are accessible to people with disabilities and others who need assistance. Individuals who need special assistance or a disability-related modification or accommodation (including auxiliary aids or services) to observe and/or participate in this meeting and access meeting-related materials should contact Rachel Pearlman, Board Secretary, at least 48 hours before a regular meeting at (209) 962-7161 or rpearlman@gcsd.org. Advanced notification will enable the District to swiftly resolve such requests to ensure accessibility.

PUBLIC RECORDS:

Public records that relate to any item on the open session agenda for a meeting are available for public inspection. Those records that are distributed after the agenda posting deadline for the meeting are available for public inspection at the same time they are distributed to all or a majority of the members of the Board. The Board has designated the District's website located at <https://www.gcsd.org> as the place for making those public records available for inspection. The documents may also be obtained by calling the District office.

ALL AGENDA MATERIAL ARE AVAILABLE ON THE DISTRICT WEBSITE AT WWW.GCSD.ORG OR MAY BE INSPECTED IN THE GROVELAND COMMUNITY SERVICES DISTRICT OFFICE AT 18966 FERRETTI ROAD, GROVELAND, CALIFORNIA

Any person who has any questions concerning this agenda may contact the District Secretary. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the District at 209-962-7161. Notification 48 hours prior to the meeting will enable the District to make reasonable arrangements to ensure accessibility to this meeting. (28FR35.102-35.104 ADA Title 11)



TELECONFERENCE AGENDA

March 9, 2021
10:00 a.m.

Call to Order

Pledge of Allegiance

Roll Call of Board Members

Janice Kwiatkowski, President
Nancy Mora, Vice President
John Armstrong, Director
Spencer Edwards, Director
Robert Swan, Director

1. Approve Order of Agenda

2. Public Comment

Members of the public are appreciated for taking the time to attend this meeting and provide comments on matters of District business. Public comments are subject to a 3-minute time limit; 10 minutes on an individual topic. Although no action can be taken on items not listed on the agenda, please know we are listening carefully to your comments.

3. Information Items

Brief reports may be provided by District staff and/or Board members as information on matters of general interest. No action will be taken by the Board during Reports, however items discussed may be recommended for discussion and action on a future agenda. Public comments will be taken after each report is provided.

A. Staff Reports

- i. Fire Department Report
- ii. General Manager's Report
- iii. Operations Manager's Report
- iv. Administrative Services Manager's Report

4. Consent Calendar

Consent Calendar items are considered routine and will be acted upon by one motion. There will be no separate discussion on these items unless a member of the Board, Staff or a member of the Public requests specific items be set aside for separate discussion.

- A. Approve Minutes from the February 9, 2021 Regular Meeting
- B. Accept February 2021 Payables
- C. Adoption of a Resolution Approving a Plan Check and Inspection Agreement with Tuolumne County for the Groveland Community Resilience Center
- D. Waive Reading of Ordinances and Resolutions Except by Title

5. Old Business

(Items tabled or carried forward from a previous meeting to be considered on this agenda. The Board of Directors intends to consider each of the following items and may take action at this meeting. Public comment is allowed on each individual agenda item listed below, and such comment will be considered in advance of each Board action)

- A. Discussion and Board Direction on Groveland CSD Fire Department Operational and Financial Matters Including Increased Staffing Levels, Expanded Facilities and

Equipment, as Well as Funding Proposed to be Provided Through the Tuolumne
County Fire Authority

6. Discussion and Action Items

The Board of Directors intends to consider each of the following items and may take action at this meeting. Public comment is allowed on each individual agenda item listed below, and such comment will be considered in advance of each Board action.

- A. Consideration and Board Direction Regarding the District's Position on Requiring Annexation of the Long Gulch Development Project and Related Connection to the District Water and/or Sewer Systems
- B. Consideration of Authorizing the General Manager to Negotiate an Agreement for the Update of the District Injury and Illness Prevention Program (IIPP/Safety Program) Not to Exceed the Amount Approved in the FY 2020-2021 Budget
- C. Consideration and Board Direction Regarding Preparation of a Letter Regarding Concerns with the Reliability of Services Provided by AT&T During Power Outages and Emergencies
- D. Board Direction Regarding the District Participation in Emergency Siren Systems Providing Evacuation Notifications
- E. Board Direction Regarding Interest in Advanced Customer Notification Systems that Include the Ability to Receive Text and Email Messages

7. Closed Session (Public may comment on closed session item prior to Board convening into closed session)

- A. PUBLIC Employee Performance Evaluation Pursuant to Govt. Code Sec. 54957
Title: General Manager
- B. Announcement of Reportable Action taken in Closed Session

8. Adjournment

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**Groveland Community Services District
Fire Department / CALFIRE**

18966 Ferretti Road Groveland, CA 95321

Staff Report
March 9, 2021

To: Board of Directors

From: Andy Murphy, Assistant Chief
By: Jude R. Acosta, Battalion Chief

Subject: Monthly Activity Report – February 1, 2021 to February 28, 2021

Operations:

Emergency Incident Response:

On February 19, 2020 Engine 781 and Engine 4466 responded to a reported vehicle fire in the area on Highway 120 and Moccasin Switchback Rd. Upon arrival, there was a single passenger vehicle with light smoke and flames coming from the engine compartment. Fire crews immediately contained the fire preventing any extension in the wildland. The cause of the fire was determined to be mechanical.

Apparatus and Equipment:

Apparatus	Description	Status
Engine 781	2009 Pierce Contender	In Service
Engine 787	2000 Freightliner FL112	In Service
Engine 783	1995 International Model 15	In Service
Utility 786	2008 Chevrolet 2500	In Service

Training:

In addition to our monthly Emergency Medical Technician (EMT) curriculum and engine company performance standards, Battalion personnel received the following specialized training:

- Rapid Intervention Crew (RIC)
- Self-Contained Breathing Apparatus (SCBA)
- Ropes and Knots
- Building Construction
- Ladder Evolutions
- Mobile Pumping
- Fire Shelters
- COVID-19
- State Fire Marshal Fire Instructor I

Grants:

The Sonora Area Foundation through its supporting organization, The Irving J. Symons Foundation for Tuolumne County, approved fully funding our joint grant request for three Scott Rapid Intervention Team (RIT) Pack Fast Attack Emergency Air Supply Packs for Groveland Fire and Tuolumne County Fire Department.

The RIT-Pack Fast Attack offers a small, lightweight, and compact solution for rapid entry and air replenishment to a firefighter in distress. The 4,500-psi bottle will allow up to 60 minutes of available air to victims & rescuers. Once rescuers reach the downed firefighter, they will be able to use this RIT-Pack to supply fresh air to the injured or trapped firefighter as they work to remove the downed crewmember from danger.

These packs have the potential to truly be lifesaving should any firefighter in any part of the county become trapped and need rescue. Combined, these three engine companies respond to over 4,000 incidents per year. This effort is another great example of the value of our continued cooperative relationship. Groveland Fire would like to offer a heartfelt appreciation to the Sonora Area Foundation and recognize the tremendous support they give to our entire community.

Crooks Logging has completed masticating the Jones Hill Shaded Fuel Break on the District's property. This fuel break provides exceptional defense against any encroaching wildland fire and help protect the community of Groveland. Staff was able to gain additional mastication acreage by requesting a budget modification. This request to CAL FIRE Region allowed 3 % of funds to increase our mastication amount from 49 acres to 51 acres. Project is completed and staff will seek additional funding opportunities to maintain the fuel break.



MONTH - February 2021

STATION 78

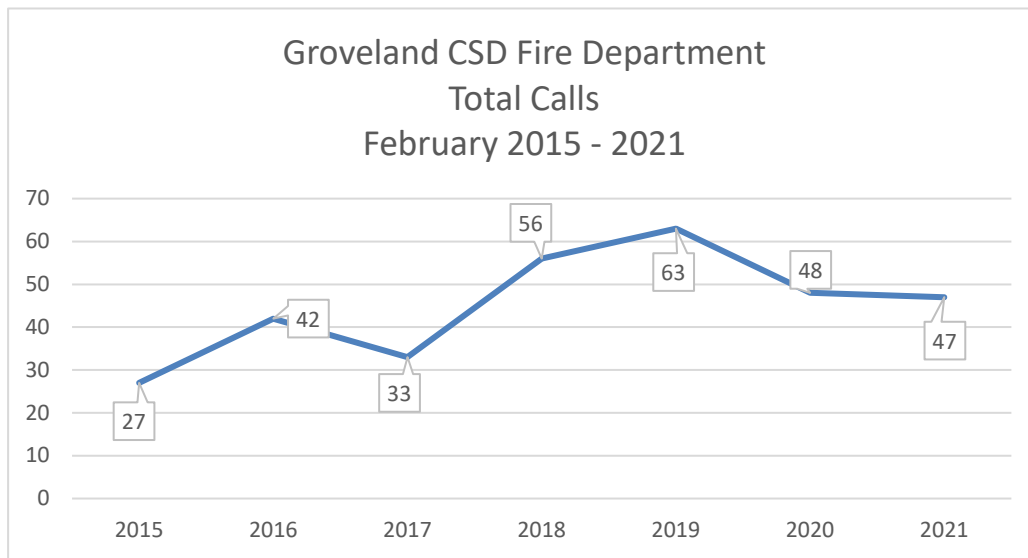
Alarm Sounding	1
Odor Investigation	0
Debris Fire	0
Medical Aid	23
Fire Menace Standby	0
Fire Other	0
Haz Mat	0
Landing Zone	5
Plane/Heli Crash	0
Public Assist	14
Smoke Check	0
Structure Fire	0
Commercial Structure Fire	0
Vegetation Fire	0
Vehicle Accident	2
Vehicle Accident/Pin in	0
Vehicle Fire	2
TOTAL	47

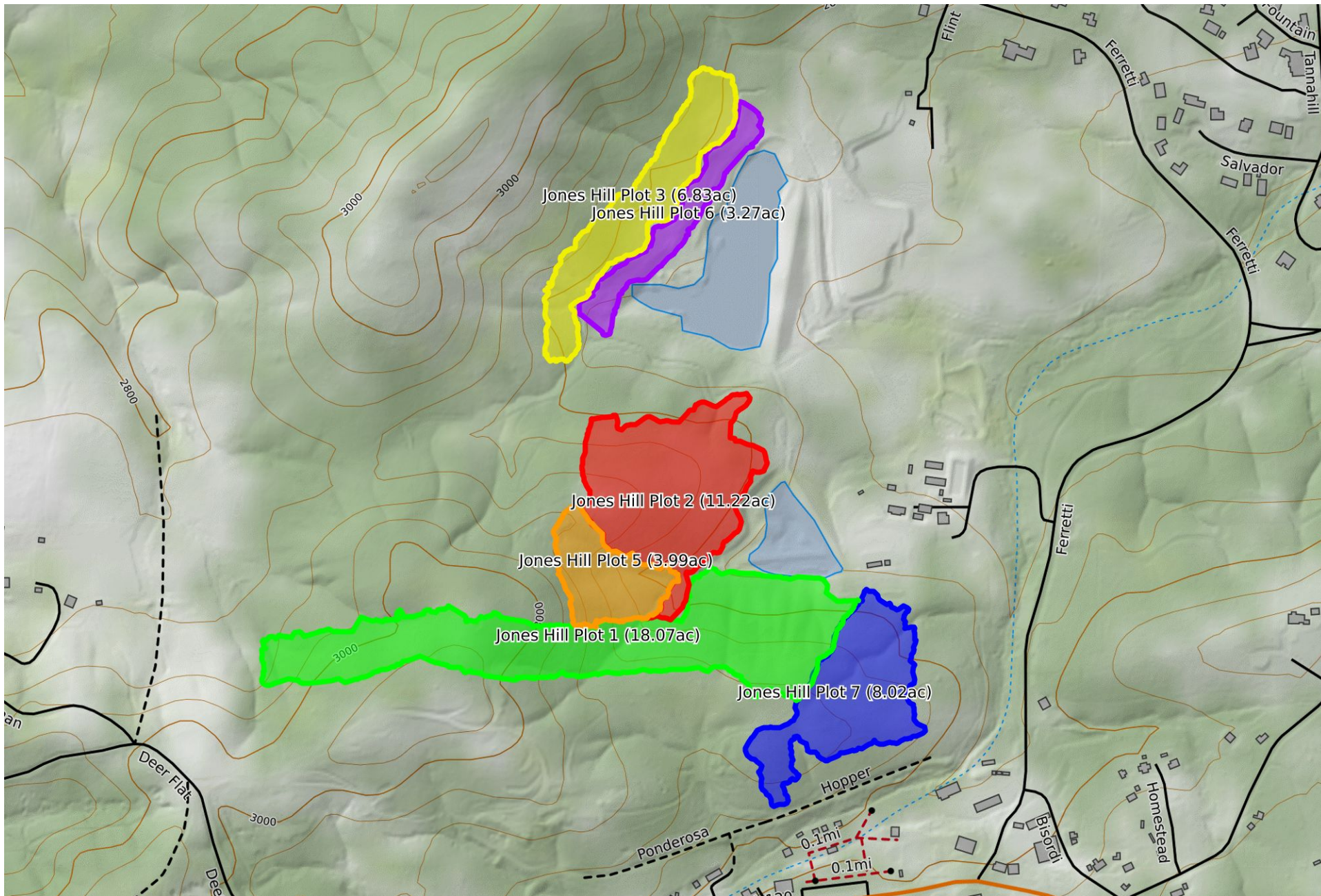


Auto Aid	Given
Tuolumne County	6
Inc #1707 Medical Aid Prospect Heights	
Inc #1709 Medical Aid Prospect Heights	
Inc #2115 Vehicle Fire Moccasin Switchback Rd	
Inc #2647 Lift Assist Prospect Heights	

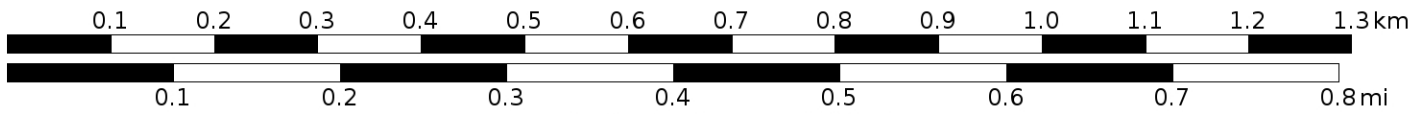
(43 GCSD district calls, 4 calls in Tuolumne County)

Prior 5 year February Average = 48
 Year to date 2021 = 100
 Prior 5 year to date average = 91

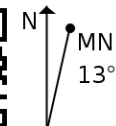




Mercator Projection
 WGS84
 USNG Zone 10SGG



Scale **1:7305** 1 inch = 609 feet
 9





TO: GCS D Board of Directors

FROM: Pete Kampa, General Manager

DATE: March 9, 2021

SUBJECT: Agenda Item 3Aii. General Manager’s Report

Once again, I am honored to provide highlights of a select few efforts and activities of GCS D management over the past month. If there are topics discussed for which you would like additional information, please feel free to contact myself, Rachel or Jennifer.

BIG CREEK/2G CLEARWELL PROJECT

Included in this report is a copy of the agenda for our most recent engineering staff meeting regarding the Clearwell Project. The agenda provides an informative overview of project budgets and expenditures, status and schedule. On February 10, 2021 we received an approved grant contract amendment from the state, increasing our contract and grant amount from \$3,402,000 to \$3,954,200. This **increase in grant amount of \$552,200** was requested of the state upon receipt of bids which were higher than expected, and the need to completely renovate the Butler Way Booster Pump system to allow for the shutdown of the Second Garrotte Clearwell later this month. The Big Creek Clearwell coating has been completed on the tank ceiling, and by the date of this meeting the walls and floor have also been completed. The coating work has been going very well, and the photos show the external repair of “pinholes” opened in the tank during sandblasting and preparation for coating. The holes occurred in areas of failed original welds. The contractor made mistakes in their original work on the Butler Way Booster Pump concrete slab, and during the first week of March jackhammered the pad out and is now installing the piping, conduit and connections correctly.





Overall the project is on budget and schedule, with full completion planned in late spring. As shown in the project meeting agenda, we have now received our first two clearwell invoices from the contractor and we have processed our first and second disbursement request to the State Water Board in the amount of (No. 1) \$331,640 and (No. 2) \$298,997 for a total of \$630,637 owed. We have paid the first contractor invoice, and the second is due at the end of the month. We have not yet received Disbursement Request 1 from the state, although it has been approved and we await only for the

check to be cut.

DOWNTOWN GROVELAND/BOF SEWER COLLECTION SYSTEM RENOVATION PROJECT

GCSD met this month with staff at Pine Mountain Lake to discuss logistics and their role/responsibilities and needs associated with the upcoming sewer project bidding. There will be much work in PML roads and we want to start off with all parties understanding the project, working together cooperatively for a good project and excellent public communications. PML and the county will be participating in review of the project plans and specifications, and in the pre-bid meeting so that our contractors understand the expectations clearly. Below is the current project schedule:

- | | |
|--|----------------|
| • Complete Topographical Survey | March 12, 2021 |
| • 90 percent submittal (Plans) | March 26, 2021 |
| • Final Submittal (Plans and Contract Documents) | April 16, 2021 |
| • Solicit Bids | April 21, 2021 |
| • Open Bids | May 27, 2021 |
| • Award | June 8, 2021 |
| • Notice to Proceed (construction begins) | June 14, 2021 |

ADDITIONAL ITEMS OF INTEREST

Wastewater Plant Reservoir #2 Inundation Study – The State Department of Water Resources is now requiring that the District complete an inundation study to identify areas of potential impacts of failure of the reservoir dam, and an Emergency Action Plan to identify mitigation steps and damage response strategies to take in reaction to a dam failure. The cost of this plan is unfortunately expected to be between \$50,000 and \$75,000 and must be started immediately for completion this year.

USC Price/So Cal Edison Sponsored Emergency Response Summit – Both Rachel and I attended an Emergency Response Summit offered by CSDA and funded by Southern California Edison. This intense informational session was held on two consecutive Fridays, four hours each and

included powerful sessions from emergency planning/response educators, public officials, emergency planners and officials from FEMA and CalOES. You can rest assured that there will be future actions in front of the Board resulting from the information we received in the summit.

**GROVELAND COMMUNITY SERVICES DISTRICT
BIG CREEK AND SECOND GARROTTE CLEARWELLS REHABILITATION
PROJECT
CONSTRUCTION PROGRESS MEETING**

March 2, 2021 @ 9:00 AM

AGENDA

- I. INTRODUCTIONS
- II. CONSTRUCTION PROGRESS SNAPSHOT

a. Total Project Cost (Contractor)	\$3,118,200.00
b. Total Project Cost (Total Project)	\$3,954,200.00
c. Budget Spent to Date (Contractor)	\$525,950.00
d. Budget Spent to Date (Total Project)	\$658,595.00
e. Total Project Contingency	\$361,000.00
f. Contingency Used to Date	\$33,217.80
e. Percentage Funding Used to Date (Contractor)	16.9%
f. Percentage Funding Used to Date (Total Project)	21.1%
d. Percent Contingency Used to Date	9.2%
g. Days for Completion	128 Working Days
e. Elapsed Days	59 Working Days
f. Remaining Days	69 Working Days
- III. CONSTRUCTION SITE REPORTS
 - a. Progress to Date
 - b. Contractor (1-MONTH LOOK AHEAD)
- IV. CHANGE ORDERS
 - a. Executed
 - i. Change Order No. 4 – Additional Structural Repairs in Big Creek Clearwell (\$33,217.80 and 8 additional Working Days)
 - b. Pending
 - i. Change Order No. 2 – Inspection Sand Blast (Time & Material) (± \$50,000)
 - ii. Change Order No. 3 – Additional Work at Butler Way (Time & Material)
 - c. Denied
 - i. Change Order No. 1 – Oil in Tank (\$48,539.00 and 14 additional Working Days)
 - ii. Change Order No. 5 – Air Release Valve on 90 Degree Elbow (\$1,300.00 and 1 additional Working Day)

- iii. Change Order No. 6 – Lid Pin Holes Repairs (\$14,200 and 2 additional Working Days)

V. SUBMITTAL REVIEW

- a. Approved Submittals
 - i. Submittal No. 1 – 14, 16 – 20 and 22 – 31
- b. Remaining Submittals
 - i. Submittal No. 15, and 21
 - ii. Neoprene Rubber

VI. REVIEW RFI LOG

- a. Responded RFI's
 - i. RFI No. 1 – 26
- b. Pending RFI's
 - i. None

VII. PAYMENT REQUESTS

- a. Processed
 - i. Disbursement Request No. 1 (\$331,640.00)
 - ii. Disbursement Request No. 2 (\$298,997.00)

VIII. CONCERNS

IX. ADJOURN



Operations Report

Month of Review: February 2021

Information Provided by:

- Luis Melchor, Operations Manager
- Greg Dunn, Chief Plant Operator
- Renee Van Dyk, Administrative Services Technician
- Adam Ahlswede Operation Supervisor

Wastewater Treatment Plant Flows

Influent Totals From: February 2021

Total	4.02 MG
High	.21 MG
Low	.10 MG
Average	0.14 MG

Effluent Totals From: Plant: February 2021

Total	3.98 MG
High	0.23 MG
Low	0.10 MG
Average	0.14 MG

Rainfall Totals at the Sewer Treatment Plant Month of February 2021

Year	Total Rainfall-inches
2021	2.32 (High 0.94)
2020	0.01 (High 0.01)
2019	12.78 (High 2.02)
2018	0.54 (High 0.54)
2017	15.90 (High 2.52)
Current Season Total	17.29

Wasting Totals

Total Inches	449
Total Pounds	5060

Reclamation Totals

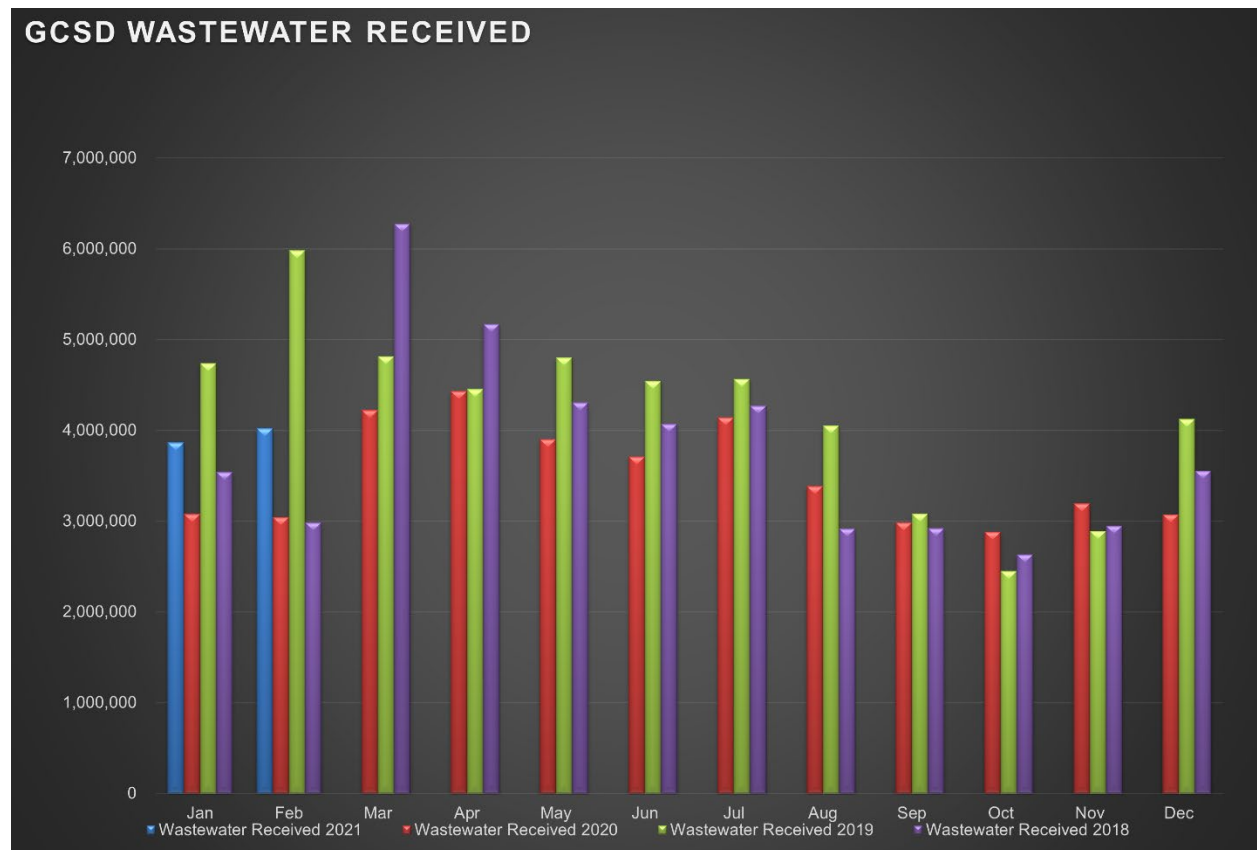
PML	0
Spray Fields	0
PML Season Total	0
Spray Fields Total	0

Active Sewer Accounts: 1560

Activities at the Wastewater Treatment Plant

- Took weekly Bac-Ts and BOD of the Chlorine Contact Chamber (CCC) and sent into Aqua Lab for testing
- Completed monthly Wastewater Report and sent to the State Water Resources Control Board
- Completed daily rounds and Lab
- Replaced Blower at the STP

Current and Past Monthly Influent Totals



Wastewater Collections Department

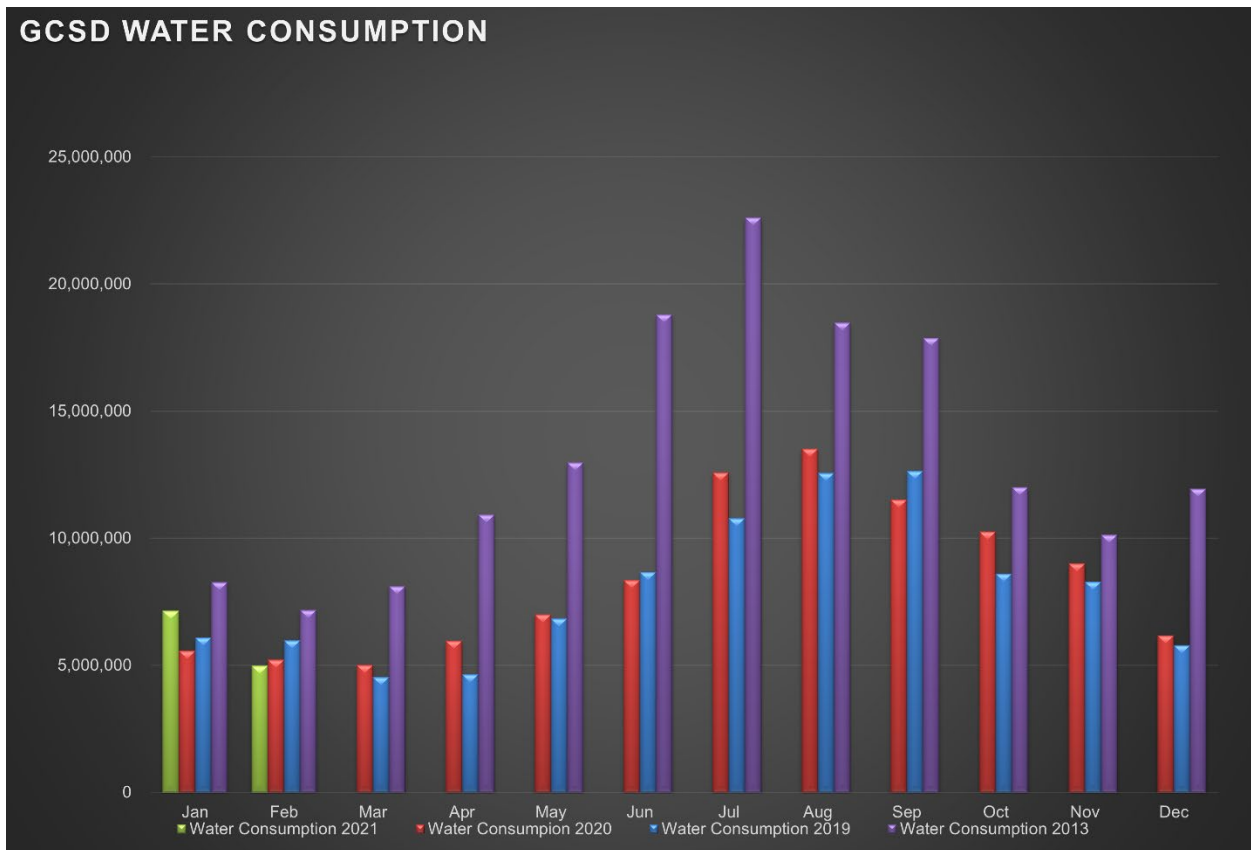
- Completed all Preventative Maintenance Check Sheets (PMCS) at all Lift Stations (weekly)
 - Added degreaser blocks at all Lift Stations
 - Added degreaser and odor control as needed
- Chemical flushed gravity sewer lines throughout the District for system maintenance
- Inspected and flushed problem manholes
- Hydro flushed multiple gravity lines throughout the District for system maintenance

- Cleaned Lift Stations 1, 2, 3, 4, 13, 14, 15 and 16
- Completed Manhole inspections for Lift Station 1 Gravity lines (total of 91 opened & inspected)
- Cleared Lift Station 16 breakover easement
- Landscape maintenance at LS 16
- Cleaned and CCTV sewer lines at PML Hardware for upcoming Sewer Project
- Replaced hour meter at LS 10

Treated Water Department

- Submitted monthly Water Treatment Report to State Water Resources Control Board
- Submitted monthly Conservation Report to State Water Boards
- Performed weekly checks and calibrations on all analyzers at 2G, BC, and AWS
- Performed monthly UV calibrations at 2G and BC
- Took weekly Treatment Plant samples and sent into Aqua Lab
- Took weekly distribution samples and sent into Aqua Lab
- Installed new air drier at AWSTP

Current and Past Monthly Water Consumption



Distribution Department

- Monitored/sample Distribution Tank as needed
- Read all District Water Meters
- Normal day to day: Trouble calls (low press/high press, no water, shut off for repairs etc.)
- Completed weekly checks on Tank 4, Highlands Pump stations (Building, Pneumatic Tank, Pumps and MCC Cabinet)
- Responded and marked multiple USA throughout the District
- Cleaned around multiple hydrants throughout the District
- Repaired water main break on Tannahill
- Repaired a water main leak on rock Canyon Way
- Finished final cleanup/landscaping from past water break on Old Hwy 120

Meter Related Services	Total
Check/repair meter	0
Install water meter	0
Monthly Meter Restrictions	0
Meter change outs	1
Read tenant out	2
Re-Read	11
Turn off meter	0
Turn on meter	1
Test meter	0
Total Distribution Issues	15

Active Water Accounts:3256

Billed Consumption 2021	Gallons
	4,974,689
Billed Consumption 2020	Gallons
	5,216,326

Construction and Maintenance

Description	Water	Sewer
Main line leaks	0	0
Main line break	2	0
Service leaks	1	0
Service breaks	0	0
Fire Hydrant replaced/repared	0	0
Totals Per Service	3	0

Maintenance

- General yard maintenance around the District amenities (mow, weed eat, trash, debris removal, limb trees ETC)
- Cleaned around dumpster area and hauled cardboard to Moore Brothers
- Continuous Corp yard cleanup
- Fueled standby generators at Tank 4, 2G, BCTP and AWS
- Replaced thermostat and cleaned LS 13 standby generator
- Repaired broken shifting column on Truck 8
- Replaced thermostat; replaced blown turbo hose; fixed exhaust regeneration problem on Truck 7
- Repaired foot air leaks at foot valve; serviced; degreased engine and frontend; replaced left back up light on Flush Truck
- Serviced; degreased engine and frontend on the Vac-Truck
- Serviced Truck 6, 8 and 20
- Replaced water pump and belts on Truck 15
- Completed 90-day BIT inspection on Engine 783
- 90-day inspection; replaced thermostat, radiator hoses, replaced rear tires and replaced turbo actuator and calibrated on Engine 781
- Completed 90-day BIT inspection on Engine 787
- Installed new right rear caliper bolt on Truck 10
- Repaired flat tire on old backhoe

Projects/Contract Work

- Cartegraph Development
- Assisted Yosemite lakes Sewer Treatment Plant with addition of good bacteria
- Worked with ClaVal to inventory our water distribution PRVs, PSVs, and Altitude Valves and log them into the free Link-2-Valves provided by ClaVal
- Worked with Moyle excavation on patch repairs on Hwy 120
- Worked with Caltrans to repair broken electrical conduit on Hwy 120

After Hour Calls

- Staff had 7 after hour calls: 7 Water; 0 Sewer all resolved

Workplace Safety and Training

Weekly Safety Meetings and Training

- Daily Tailgate Meetings
- Weekly Safety Meetings
- Weekly Security Checks
- Weekly Vehicle Inspection
- SDRMA Safety Courses
- On-Call training for newer employees
- Trackstar Training for Management Team
- Commercial Driver's License
- Backhoe Training
- Electrical Awareness Training

**REGULAR MEETING OF THE BOARD OF
DIRECTORS GROVELAND COMMUNITY SERVICES
DISTRICT GROVELAND, CALIFORNIA
February 9, 2021
10:00 a.m.**

The Board of Directors of Groveland Community Services District met via zoom in regular session on the above mentioned date with Directors Janice Kwiatkowski, President, Nancy Mora, Vice President, Robert Swan, John Armstrong and Spencer Edwards being present. Also present was Administrative Services Manager Jennifer Flores, Board Secretary Rachel Pearlman, Operations Manager Luis Melchor, and General Manager Pete Kampa.

Call to Order

Director Kwiatkowski called the meeting to order at 10:01am.

Approve Order of Agenda

Motion

Director Armstrong moved, seconded by Director Edwards and the motion passed unanimously by roll call to approve the order of the agenda.

Public Comment

A Member of CSDA gave an update to the Board of Directors regarding federal assistance for COVID relief funding to Special Districts.

A member of the public made a comment regarding the Long Gulch Development.

Information Items

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A. Staff Reports

- A. Staff Reports
 - i. Fire Department Report
 - ii. General Manager's Report
 - iii. Operations Manager's Report
 - iv. Administrative Services Manager's Report
 - i. Presentation of the 2020 District Year in Review
- B. Proclamations
 - i. Recognition of Adam Ahlswede for his 1 Year of Service to the Groveland Community Services District
 - ii. Recognition of Jennifer Flores for her 10 Years of Service to the Groveland Community Services District

Consent Calendar

Consent Calendar items are considered routine and will be acted upon by one motion. There will be no separate discussion on these items unless a member of the Board, Staff or a member of the Public requests specific items be set aside for separate discussion.

- A. Approve Minutes from the December 8, 2020 Regular Meeting**

- B. Accept December 2020 Payables
- C. Waive Reading of Ordinances and Resolutions Except by Title

Motion

Director Swan moved, seconded by Director Armstrong and the motion passed unanimously by roll call to approve the consent calendar.

Old Business

(Items tabled or carried forward from a previous meeting to be considered on this agenda. The Board of Directors intends to consider each of the following items and may take action at this meeting. Public comment is allowed on each individual agenda item listed below, and such comment will be considered in advance of each Board action).

- A. Discussion and Board Direction on Groveland CSD Fire Department Operational and Financial Matters Including Increased Staffing Levels, Expanded Facilities and Equipment, as Well as Funding Proposed to be Provided Through the Tuolumne County Fire Authority

Motion

No action taken.

Discussion and Action Items

The Board of Directors intends to consider each of the following items and may take action at this meeting. Public comment is allowed on each individual agenda item listed below, and such comment will be considered in advance of each Board action.

- A. Adoption of a Resolution Approving an Agreement with Gilbert and Associates for Accounting Services

Motion

Director Swan moved, seconded by Director Armstrong and the motion passed unanimously by roll call to adopt Resolution 04-2021 approving an Agreement with Gilbert and Associates for Accounting Services.

- B. Adoption of a Resolution Rescinding Resolution 01-2021 and Ratifying the General Manager's Execution of an Advance Funding Agreement with Preserve Partners Inc. to Secure Funding Deposits to Cover the Cost of Legal, Administrative and Engineering Services Associated with the Hwy 120 Lodging Project (Formerly Yonder Yosemite)

Motion

Director Armstrong moved, seconded by Director Mora and the motion passed unanimously by roll call to rescind Resolution 01-2021 and adopt Resolution 05-2021 Ratifying the General Manager's Execution of an Advance Funding Agreement with Preserve Partners Inc. to Secure Funding Deposits to Cover the Cost of Legal, Administrative and Engineering Services Associated with the Hwy 120 Lodging Project (Formerly Yonder Yosemite).

- C. Adoption of a Resolution Approving an Updated Board Renumeration Policy Adding Compensation for Attending Meetings and Hearings, including the Fire JPA to Represent the District at the Request of the General Manager

Motion

Director Swan moved, seconded by Director Edwards and the motion passed unanimously by

roll call to adopt Resolution 06-2021 approving an updated Board Remuneration Policy with the stipulation of correcting the word Renumeration to Remuneration throughout the Documents.

- D. Discussion and Consideration Approving a Revised Performance Evaluation Form for the General Manager

Motion

Director Armstrong moved, seconded by Director Mora and the motion passed unanimously by roll call to approve the revised General Manager's Evaluation Form and to include the Objectives rating descriptions as discussed.

- E. Adoption of a Resolution Approving a Contract Change Order with Ragsdale & Sons Inc. for the Groveland Community Services District Pavement Rehabilitation Project Approving Bid Additive Item No. 2 for Tank #2

Motion

Director Swan moved, seconded by Director Edwards and the motion passed unanimously by roll call to approve Resolution 07-2021 approving a Contract Change Order with Ragsdale and Sons Inc. for the Groveland Community Services District Pavement Rehabilitation Project approving Bid Item No. 2 for Tank #2.

- F. Adoption of a Resolution Modifying the District Organizational Chart to Add One Full Time Collection/Distribution System Operator I/II/III Position and Related Personnel Budget Amendment

Motion

Director Edwards moved, seconded by Director Armstrong and the motion passed unanimously by roll call to approve Resolution 07-2021 modifying the District Organizational Chart to add one full time Collections/Distribution System Operator I/II/III Position and related Personnel Budget Amendment in the amount of \$50,000 for the remainder of the 2020/21 fiscal year.

Adjournment

Meeting adjourned at 1:22pm.

APPROVED:

Janice Kwiatkowski, President

ATTEST:

Rachel Pearlman, Board Secretary



ACCOUNTS PAYABLE CHECK LISTING

February, 2021
Fiscal Year 20/21
Board Approval Date _____

Accounts Payable Checks



User: morsetti

Printed: 2/25/2021 8:37:55 AM

Check	Vendor	Vendor Name	Check D	Void	Commit	Description	Amount	Reconcil	Clear Da
19936	am01	AM Consulting Engineers, Inc.	2/12/2021	False	True	Engineering fees for Capitol Projects	\$25,268.26	False	
19937	BLU01	Anthem Blue Cross	2/12/2021	False	True	Monthly Group Health Ins.	\$19,653.69	False	
19938	DIS01	Dish Network	2/12/2021	False	True	Satellite TV for FD	\$79.55	False	
19939	DRU01	Drugtech Toxicology Services, LLC	2/12/2021	False	True	Consortium DOT Tests	\$76.00	False	
19940	Far02	Farr Construction	2/12/2021	False	True	Contractor Progress bill for Big Creek Clear Well Tank Rehab	\$253,840.00	False	
19941	GEN01	General Plumbing Supply	2/12/2021	False	True	Plumbing supplies for stock	\$552.47	False	
19942	GEN02	General Supply Co	2/12/2021	False	True	10 ea. fuses for WWTP OSG	\$145.23	False	
19943	gilb01	Gilbert Associates, Inc.	2/12/2021	False	True	CPA Services	\$3,400.00	False	
19944	GRA04	Grainger	2/12/2021	False	True	1 ea. Fluorescent bulb starter	\$669.37	False	
19945	Hun02	Hunt & Sons, Inc.	2/12/2021	False	True	Fuel & Oil	\$10,657.17	False	
19946	JSW02	J.S. West Propane Gas	2/12/2021	False	True	Propane	\$3,318.69	False	
19947	Mitel	Mitel	2/12/2021	False	True	District Telephone Service	\$356.77	False	
19948	MOO01	Moore Bros. Scavenger Co., Inc.	2/12/2021	False	True	Garbage Service	\$494.40	False	
19949	MOT03	Mother Lode Answering Service	2/12/2021	False	True	Monthly Call Forward/Paging	\$237.00	False	
19950	Nat06	Nationwide Long Distance Service, Inc.	2/12/2021	False	True	Monthly Long Distance Fee	\$27.53	False	
19951	NBS01	NBS Government Finance Group	2/12/2021	True	True	Professional Serv. thru 1/31/21 for Development Impact Fee Study	\$5,000.00	False	
19952	Oreil	O'Reilly Auto Parts	2/12/2021	False	True	Fire Dept Fire Engine 786 Auto Parts	\$459.87	False	
19953	PAI02	Pall Corporation	2/12/2021	False	True	1 ea. Pilot Valve	\$303.35	False	
19954	per04	Percoco, Ronald	2/12/2021	False	True	Monthly Uniform Laundering/Janitorial Cleaning	\$2,098.00	False	
19955	PGE01	PG&E	2/12/2021	False	True	Monthly Electric Charges	\$804.06	False	
19956	SUE01	Ray Suess Insurance & Invst	2/12/2021	False	True	Retired Emp. Insurance	\$3,457.16	False	
19957	SFPUC	San Francisco Public Utilities Commission	2/12/2021	False	True	Monthly Water Purchase	\$12,458.78	False	
19958	son12	Sonora Ford	2/12/2021	False	True	Parts for Truck #7 repair	\$2,392.03	False	
19959	Sprbrk	Springbrook Holding Co. LLC	2/12/2021	False	True	Monthly C/C Web Pmt Fees	\$1,288.75	False	
19960	SWR02	SWRCB	2/12/2021	False	True	Steve Buie WW1 Certification & WW2 Exam	\$250.00	False	
19961	TUO01	Tuo. Co. Public Power Agency	2/12/2021	False	True	Public Power Purchase	\$13,587.96	False	
19962	UMP01	UMPQUA Bank	2/12/2021	False	True	Jan C/C Charges	\$6,769.36	False	
19963	am01	AM Consulting Engineers, Inc.	2/23/2021	False	True	Engineering fees for Capitol Projects	\$66,738.34	False	
19964	BLU02	Anthem Blue Cross	2/23/2021	False	True	Insurance D. Beaudreau 03/01/2021-05/31/2021	\$1,091.28	False	
19965	aqu5	Aqua Sierra Controls Inc.	2/23/2021	False	True	IT services in January Rebuild synology, Computer upgrades, Ipad	\$16,015.05	False	
19966	ATT02	AT&T	2/23/2021	False	True	Monthly Cal Net phone service	\$363.02	False	
19967	BUR01	Burton's Fire Inc	2/23/2021	False	True	Parts for Engine #781 repairs	\$361.19	False	
19968	Cle03	CleanSmith Solutions	2/23/2021	False	True	Disinfection Services	\$2,150.00	False	

Check	Vendor	Vendor Name	Check D	Void	Commit	Description	Amount	Reconcl	Clear Da
19969	Cro04	Crook Logging Inc.	2/23/2021	False	True	7.3996 acres for Jones Hill Fuel Break Project	\$21,828.82	False	
19970	CWEA	CWEA	2/23/2021	False	True	Travis Deutsch CWEA MT Grade 2 Test & Membership	\$951.00	False	
19971	Des01	Deshaies, Al	2/23/2021	False	True	Reimburse for DMV Test	\$232.29	False	
19972	DKF01	DKF Solutions Group, LLC	2/23/2021	False	True	3 ea. Electrical Awareness Training for Matt, Travis & Drew	\$385.00	False	
19973	Doh01	Doherty Tire of Sonora, Inc.	2/23/2021	False	True	Truck Tire Dismount & Tire Disposal Fee	\$248.00	False	
19974	EDIS01	E.D.I.S.	2/23/2021	False	True	Supplemental Health Ins. Claims for January	\$1,812.39	False	
19975	Fas02	Fastenal	2/23/2021	False	True	XL Nitrile Gloves	\$192.66	False	
19976	flo01	Flores, Jennifer	2/23/2021	False	True	Monthly Internet Stipend	\$100.00	False	
19977	FOO01	Foothill-Sierra Pest Control	2/23/2021	False	True	Pest Control	\$157.00	False	
19978	GRA04	Grainger	2/23/2021	False	True	Block Heaters	\$862.03	False	
19979	H&S	H & S Parts and Service	2/23/2021	False	True	Nylon Push-On Male Connector	\$33.33	False	
19980	Hun02	Hunt & Sons, Inc.	2/23/2021	False	True	Fuel & Oil	\$1,109.14	False	
19981	ind04	Industrial Electrical Co.	2/23/2021	False	True	1 ea. T-gaskets & fuel pump for Lift Station #13	\$259.24	False	
19982	Kam02	Kampa, Peter	2/23/2021	False	True	Monthly Internet Stipend	\$100.00	False	
19983	LIF01	Life Assist	2/23/2021	False	True	Nemesis V30 Glasses, Protective Face Shields, StarLite Boxes	\$217.56	False	
19984	Mar02	Marshall, Andrew	2/23/2021	False	True	Andrew Marshall DMV Class A Permit Reimbursement	\$84.91	False	
19985	Moo06	Moore Ranch Trucking	2/23/2021	False	True	Load of Cutback/Road Base for C&D Stock.	\$3,268.90	False	
19986	NBS01	NBS Government Finance Group	2/23/2021	False	True	Consulting for CFD & Development Impact Fee Study	\$10,266.25	False	
19987	neu01	Neumiller & Beardslee	2/23/2021	False	True	Legal Services	\$2,877.80	False	
19988	Pac06	PACE Supply Corp	2/23/2021	False	True	Surge Valve Replacement on Big Creek Transmission Main.	\$6,917.81	False	
19989	Pea01	Pearlman, Rachel	2/23/2021	False	True	Monthly Internet Stipend	\$100.00	False	
19990	Pin07	Pine Mountain Auto	2/23/2021	False	True	January 2021 Auto Parts	\$1,332.26	False	
19991	pml01	PML Hardware & Supply Inc.	2/23/2021	False	True	Monthly Hardware supplies	\$475.72	False	
19992	Ron01	Roni Lynn	2/23/2021	False	True	Social Media Management	\$2,600.00	False	
19993	Safety-K	Safety-Kleen Systems	2/23/2021	False	True	Maintenance on Parts Washer	\$532.95	False	
19994	Sta15	Staples Credit Plan	2/23/2021	False	True	Office Supplies	\$506.21	False	
19995	SWR02	SWRCB	2/23/2021	False	True	Anthony Filippi Wastewater 2 exam	\$155.00	False	
19996	TRO01	Trotter Welding & Steel Supply	2/23/2021	False	True	Parts to build hip boot rack & drier	\$162.91	False	
19997	TUO04	Tuo. Co. Clerk & Auditor-Contr	2/23/2021	False	True	LAFCO's Annual Budget for FY 20/21 per Resolution No. 297	\$4,300.00	False	
19998	USA03	Usa Blue Book	2/23/2021	False	True	1 ea. Pyrex Settle o Meter 2L for mixing lime tank @ Big Creek	\$321.18	False	
19999	Van01	VanDyk, Renee	2/23/2021	False	True	Monthly Internet Stipend	\$100.00	False	
20000	Ver03	Verizon Wireless 7706	2/23/2021	False	True	Monthly Auto Dialers	\$182.30	False	
20001	WRT01	Wallace, Robert & Todd	2/23/2021	False	True	Groveland Park Amenities Study & Plan through Jan 31, 2021 PR	\$4,137.88	False	
115804	OE3	Operating Engineers Local #3	2/1/2021	False	True	Batch 00001.02.2021 Oper Engin Union Dues	\$353.99	False	
115805	OE3	Operating Engineers Local #3	2/17/2021	False	True	PR Batch 00002.02.2021 Oper Engin Union Dues	\$353.99	False	
902249	CAL09	CalPers 457 Plan Administrator	2/1/2021	False	True	PR Batch 00001.02.2021 CalPers Def Comp	\$1,000.00	False	
902250	DCSS	Dept of Child Support Services	2/1/2021	False	True	PR Batch 00001.02.2021 Wage Garnish Child Support	\$205.03	False	
902251	EDD01	EDD - Electronic	2/1/2021	False	True	PR Batch 00001.02.2021 State Income Tax	\$2,986.37	False	
902252	FedEFTP!	Federal EFTPS	2/1/2021	False	True	PR Batch 00001.02.2021 Medicare Emple Portion	\$13,301.46	False	
902253	Orion	Orion Portfolio Solutions	2/1/2021	False	True	PR Batch 00001.02.2021 Orion 457	\$1,805.00	False	
902254	PER01	Pers - Electronic	2/1/2021	False	True	PR Batch 00001.02.2021 PERS Employee Deduct	\$8,488.84	False	
902255	CAL09	CalPers 457 Plan Administrator	2/17/2021	False	True	PR Batch 00002.02.2021 CalPers Def Comp	\$1,000.00	False	
902256	DCSS	Dept of Child Support Services	2/17/2021	False	True	PR Batch 00002.02.2021 Wage Garnish Child Support	\$205.03	False	

Check	Vendor	Vendor Name	Check D	Void	Commit	Description	Amount	Reconcil	Clear Da
902257	EDD01	EDD - Electronic	2/17/2021	False	True	PR Batch 00002.02.2021 Employmt Training Tax	\$2,835.31	False	
902258	FedEFTP:	Federal EFTPS	2/17/2021	False	True	PR Batch 00002.02.2021 Medicare Emple Portion	\$12,993.44	False	
902259	Orion	Orion Portfolio Solutions	2/17/2021	False	True	PR Batch 00002.02.2021 Orion 457	\$1,805.00	False	
902260	PER01	Pers - Electronic	2/17/2021	False	True	PR Batch 00002.02.2021 PERS Employer Expense Feb Direct Deposit Payroll	\$8,454.02 \$68,034.66	False	
Total Accounts Payable							\$639,997.01		



BOARD MEETING AGENDA SUBMITTAL

TO: GCSB Board of Directors
FROM: Pete Kampa, General Manager
DATE: March 9, 2021
SUBJECT: Agenda Item 4C. Adoption of a Resolution Approving a Plan Check and Inspection Agreement with Tuolumne County for the Groveland Community Resilience Center

RECOMMENDED ACTION:

I move to adopt Resolution 09-2021 approving a Plan Check and Inspection Agreement with Tuolumne County for the Groveland Community Resilience Center.

BACKGROUND:

The District's development policies require that applicants for new services or main extensions for water and or sewer service submit applications and deposits for engineering legal and administrative costs. The policies further require that the service applicant enter into a Plan Check and Inspection Agreement with the District to establish the terms and conditions for review of project plans and specifications, construction inspection by the District and eventual acceptance a public infrastructure by the District.

The District has been working with Tuolumne County staff for several years in the final stages of planning and now implementation of the Groveland Community Resilience Center (GCRC). The GCRC project is now out to public bid, with construction likely starting in the next few months if all goes well. To facilitate the construction and installation of the water and sewer service laterals and connections to the GCRC, the district's standard plan check and inspection agreement is now required. The agreement and supporting resolution is attached.

We are excited and proud to work together with the County on this project. As detailed in the agreement, the County will be installing the appropriate service connections in accordance with district standards and the construction plans that have been reviewed and approved by the district engineer. The County will be paying all costs for the construction and connection, as well as inspection costs and any acceptance costs through the process. The County will also be paying the connection and participation fees outlined in our water and sewer ordinances.

ATTACHMENTS:

- GCRC Plan Check and Inspection Agreement
- Resolution 09-2021

FINANCIAL IMPACT:

Execution of this Agreement conveys no expense to the District, and all costs for plan approvals, construction, inspections and acceptance are funded by the county.

**GROVELAND COMMUNITY SERVICES DISTRICT
PUBLIC FACILITY CONSTRUCTION
PLAN CHECK AND INSPECTION AGREEMENT
GROVELAND COMMUNITY RESILIENCE CENTER**

THIS PUBLIC FACILITY CONSTRUCTION, PLAN CHECK AND INSPECTION AGREEMENT ("**Agreement**") is made this 9th day of March 2021, by and between the Groveland Community Services District, a political subdivision of the State of California and a community services district formed and operating pursuant to the provisions of California Government Code Section 61000, et. Seq. ("**District**"), and County of Tuolumne, a political subdivision of the State of California ("**Applicant**"). District or Applicant are sometimes referred to in this Agreement as a "**Party**", and collectively as the "**Parties**".

RECITALS:

A. Pursuant to a March 9, 2021 Plan Check and Inspection Agreement entered into by and between the Parties in conjunction with this Agreement, Applicant is required to construct and provide water service to the Groveland Community Resilience Center, described on Exhibit "A", attached hereto ("**Property**").

B. Applicant proposes to design and construct the facilities on and about the Property described below that are referred to in this Agreement and elsewhere as the "**Project**"; the work necessary to design, build, install and do all things necessary and proper to complete the Project is referred to as the "**Work**":

1. Construct inter-tie facilities, public laterals, meters, valves and boxes to connect to the District's water and sewer system.

C. The Parties understand that the process related to the provision of water and other services to be complex and will require the active participation of the Parties. Such participation will result in expenditures by the District ("**Expenditures**"), including, but not limited to, consultant, legal, administrative, and other fees and costs, associated with the performance of its duties under this Agreement and at law. Currently the District does not have funds to pay for the Expenditures.

D. The District is willing to accept the transfer, operation, and maintenance of the Project and to provide service therefrom through the District's water system, on the terms and conditions hereinafter provided.

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NOW, THEREFORE, the parties agree as follows:

1. Construction

(a) Applicant, at its sole cost and expense, will design, prepare plans and specifications, develop, construct, and install the Project and otherwise perform the Work. Applicant agrees to develop, construct, and install the Project in accordance with District's Engineering Standards. The Project will be constructed by a contractor who is licensed under the Business and Professions Code of the State of California to perform and complete the Work ("**Contractor**") as described in the plans and specifications for the Project ("**Plans and Specifications**") approved by District. Prior to start of construction for the Project, Applicant will submit to District for its approval the Plans and Specifications; Applicant will not commence construction of the Project unless and until District approves the Plans and Specifications. Prior to commencement of Project construction, Applicant will deposit with the District the following:

1. Two complete sets of the approved Plans and Specifications, plus one electronic set; and
2. A copy of the contractor's license of the Contractor; and
3. A copy of the Applicant's contract with the Contractor; and
4. Proof of insurance, as required by Section 14 of this Agreement.

(b) Applicant will be responsible for determining whether the construction of the Project requires the payment of prevailing wages and if so, Applicant will to the extent required by the California Labor Code, pay no less than the applicable prevailing wage rates to workers and professionals as determined by the Director of Industrial Relations of the State of California pursuant to California Labor Code, Part 7, Chapter 1, Article 2. Copies of the wage determination are on file at the District's office or are otherwise available at www.dir.ca.gov.

(c) Applicant will be responsible for determining whether the construction of the Project requires the Contractor to be registered with the Department of Industrial Relations as a Public Works Contractor and meeting all associated Labor Code requirements.

2. Deposit for District Services

At the time of execution of this Agreement, Applicant will advance to the District the sum of \$5,000.00 for payment in whole or in part of the Expenditures ("**Deposit**"). Applicant authorizes District to withdraw from the Deposit to pay for the Expenditures as they are incurred by District.

District will notify Applicant whenever the Deposit is reduced to \$1,000.00 or less. Within 15 days after such notification is mailed, Applicant will make an additional deposit in the same amount as the initial one as follows:

- (a) Request for additional deposit received by the 1st day of the month will be deposited with District by the 15th day of that month; and
- (b) Request for additional deposit received by District by the 15th day of the month will be deposited by the 30th day of that month.

Upon completion of construction and acceptance of the Project by the District, any funds so deposited by Applicant in excess of District's actual costs will be refunded to Applicant.

3. Permits

Applicant, at its sole cost and expense, will obtain all necessary local, county, state and private permits and approvals relative to the Project, including but not limited to, Tuolumne County and/or Caltrans Encroachment Permits, permits or approvals required by the Pine Mountain Lake Association, and will comply with all requirements thereof.

4. Project Completion

Applicant agrees to complete the Project to the satisfaction of the District within two (2) years from the date of this Agreement. If not completed by that time, Applicant must complete and submit to District an updated PUBLIC FACILITY CONSTRUCTION, PLAN CHECK AND INSPECTION AGREEMENT.

5. Right of Entry

Permission is hereby granted by the Applicant to the District, or its authorized agent, to enter upon the Property for the purpose of inspecting the Project, the improvements to be constructed, and the Work to be performed under this Agreement.

6. Final Inspection and Testing

Upon completion of construction of the Project and prior to District acceptance, Applicant will notify the District thereof and request a final inspection of the Project. All facilities in the Project will be tested to meet District requirements as required by then-applicable District standards and specifications. Applicant will supply and pay for all necessary equipment, services and devices to inspect and test the improvements installed. This will include, among other things, TV inspection of sewer lines, pressure testing equipment, and cleaning devices.

7. Notice of Acceptance

The District will not provide water service or a written notice of acceptance of the Project until all of the following have occurred:

- (a) The Project is finally inspected, tested and approved by the District as provided in Section 6, above;
- (b) An engineer's certification that the Project has been constructed in substantial conformance with the Plans and Specifications has been presented to the District, the form and content of which is acceptable to District in its sole and absolute discretion;

- (c) All easements required to provide service through the Project, rights-of-way, permits, licenses, and other approvals to be obtained and delivered to the District have been so obtained and delivered to the District, the form and content of which are acceptable to District in its sole and absolute discretion;
- (d) All record drawings (reproducible as-builts), specifications, accounting, operation manuals and instructions, CAD disk and warranties relative to the Project have been delivered to the District;
- (e) Applicant has paid to the District all applicable fees and charges of the District relative to the Project, all in accordance with the rules and regulations for the District;
- (f) Applicant has delivered or caused to be delivered to District a detailed accounting of amounts expended for all improvements relative to the Project;
- (g) Applicant has delivered to District a complete and accurate list of all assessor parcel numbers and service addresses to be served by the Project; and
- (h) Applicant has provided District with a "Maintenance Guarantee" as required in Section 12(b) below.

8. Transfer of the Project

Upon Applicant's receipt of a notice from the District advising District will accept the Project ("**Notice of Acceptance**"), Applicant will promptly deliver conveyance documents satisfactory in form and content to the District, transferring absolute and unencumbered ownership of the completed Project to the District. The Parties agree that the transfer of the Project to the District will not be effective or completed until the conveyance documents transferring the Project have been formally accepted by the District via the affirmative vote of a majority of the members of the District's Board of Directors at a duly-called meeting ("**Acceptance**").

9. Risk of Loss/Ownership

- (a) Upon Acceptance, the Project will become the property of the District. The District will own and be free in every respect to operate, manage, modify, expand, and improve the Project as it deems appropriate.
- (b) Prior to Acceptance, all risk of loss or injury or destruction to the Project and related facilities will be solely upon Applicant.

10. District Service

District will not provide service through the Project until Acceptance occurs. Service through the Project will be supplied in accordance with the District's rates, ordinances, rules and regulations as the same may be amended from time-to-time. Applicant will not allow any

person or entity to use or commence operation of any part of the Project prior to Acceptance without the prior written consent of the District, which may be conditioned, delayed, or withheld by District for any or no reason.

11. Maintenance of Facilities

District assumes no obligation as to maintenance and operation of the Project until such time as Acceptance occurs; prior to that time, Applicant must at its sole cost and expense maintain the Project in good and working condition.

12. Applicant's Guaranty

- (a) Maintenance: Applicant warrants and guarantees all materials and workmanship furnished to the Project pursuant to this Agreement for a one (1) year period from the date of Acceptance. This guarantee does not excuse the Applicant or Applicant's agents from breaches of contract causing defects that occur or are discovered more than one year after the transfer of the Project.
- (b) Maintenance Guarantee: As a condition precedent to the delivery by District to Applicant of the Notice of Acceptance, Applicant must provide the District with a letter of credit or other security satisfactory to the District ("**Maintenance Guarantee**") in a sum equal to no less than ten percent (10%) of the total costs of the Project, or such agreement satisfactory to the District whereby the Contractor's one-year warranty for all material and workmanship in the Project is assigned to the District and fully binding between the Contractor and the District, for the purpose of warranting all materials and workmanship furnished pursuant to this Agreement for one (1) year from the date of the Notice of Acceptance. This guarantee does not excuse the Applicant from breaches of contract causing defects that occur or are discovered more than one year after the Notice of Acceptance.

Applicant or its surety under the Maintenance Guarantee will repair or replace to the satisfaction of the District any or all Work that may prove defective in workmanship or materials, ordinary wear and tear excepted, together with any other improvements which may be damaged or displaced in so doing.

District may repair or replace, or cause to be repaired or replaced, or any combination thereof, any defective Work not promptly repaired or replaced by Applicant or its surety as required under this Section 12. In such event, Applicant and its surety under the Maintenance Guarantee will be jointly and severally liable to the District for all costs and expenses incurred by District relating to the defective Work, including, but not limited to, all repairs and replacements, management and administrative costs, and engineering, legal and other costs. The District will bill Applicant and the surety for such costs, which bill must be paid within thirty (30) days of its date. Interest will accrue on any late payment at the lower of 18% per annum or the maximum rate then-allowed under the law.

13. Changes in the Project.

If Applicant proposes to change the approved plans and specifications for the Project, it must first obtain the written approval of the District for any such change, which approval may be on such terms and conditions as required by the District.

14. Insurance

Applicant or any Contractor performing any of the Work must, prior to commencing any of the Work, procure and maintain from one or more insurance companies authorized to do business in the State of California with an A.M. Best's rating of not less than A-(IX), "on an occurrence basis", commercial general and automobile liability insurance. The insurance will include but will not be limited to protection against claims arising from death, bodily or personal injury, or damage to property resulting from operations, equipment or products of Applicant or its Contractor or by their employees, agents, consultants, or anyone directly or indirectly employed by any of the foregoing. The amount of insurance will not be less than ONE MILLION DOLLARS (\$1,000,000.00) single limit coverage applying to bodily and personal injury and property damage, or a combination of both.

Such insurance will be primary insurance with respect to the interest of the District, and any other insurance maintained by the District is excess and not contributing insurance with the insurance required hereunder. Insurance provided by Applicant as required by this Section 14 will specifically name the District, its directors, officers, and employees as additional insureds, and will contain an endorsement providing that written notice will be given to the District at least thirty (30) days prior to termination, cancellation, or reduction of coverage in the policies. The commercial general and automobile liability insurance coverage will also furnish the District with certificates of insurance as satisfactory proof that Applicant or Applicant's Contractor carries worker's compensation insurance as required by law and liability insurance in compliance with these requirements.

15. Indemnification and Hold Harmless.

Applicant recognizes and hereby agrees that the District and its directors, officers, employees and agents will not be liable for any injury or death to any person or damage to any property arising from the performance of any Work. Applicant will protect, defend, indemnify and hold the District harmless from any and all claims, causes of action, demands or charges and from any loss or liability, including all costs, penalties, expenses, attorney's fees, litigation costs, and other fees arising out of or in any way connected with the performance or with the failure to perform under this Agreement by Applicant, its officers, employees, independent contractors or agents, including, but not limited to, the construction of the Project. If the District, its directors, officers, employees or agents should be sued as a result of such performance, the District will notify the Applicant, which then will have the duty to defend the District, its directors, officers, employees or agents, or, at the District's option, pay for such defense including, but not limited to, payment of all reasonable attorney's fees and expenses incurred by the District, its directors, officers, employees or agents. This Indemnity and hold harmless will survive the Acceptance.

16. Waiver of Rights.

Any waiver at any time by either Party of all or some of its rights with respect to a breach or default, or any other matter arising in connection with this Agreement, will not be deemed to be a waiver with respect to any other breach, default or matter.

17. Amendment

Any amendment to this Agreement will be of no force and effect unless it is in writing and signed by the Applicant and the District.

18. Notices.

All notices, statements, reports, approvals, requests, bills or other communications that are required either expressly or by implication to be given by either Party to the other under this Agreement will be in writing and signed for each Party by such officers as each may, from time to time, be authorized in writing to so act. All such notices will be deemed to have been received on the date of delivery if delivered personally or three (3) days after mailing if enclosed in a properly addressed and stamped envelope and deposited in a United States Post Office for delivery. Unless and until formally notified otherwise, all notices will be addressed to the Parties at their addresses as shown below:

District:

Groveland Community Services District
18966 Ferretti Rd.
Groveland, CA 95320

Applicant:

County of Tuolumne,
a political subdivision of the State of California
2 South Green Street, Sonora CA 95370

19. Venue

This Agreement has been executed and delivered in the State of California and the validity, enforceability and interpretation of any of the clauses of this Agreement will be determined and governed by the laws of the State of California. The duties and obligations of the parties created hereunder are performable in Tuolumne County and such County will be the venue for any action or proceeding that may be brought or arise out of, in connection with or by reason of this Agreement.

20. Interpretation of this Agreement.

The Parties acknowledge that each Party and its attorney have reviewed, negotiated and revised this Agreement and that the normal rule of construction to the effect that any

ambiguities are to be resolved against the drafting party will not be employed in the interpretation of this Agreement or any document executed and delivered by any Party in connection with the transactions contemplated by this Agreement.

21. Agreement Binding

This Agreement will apply to and be binding upon the successors, grantees, and assigns of the Parties, provided, however, that Applicant may not assign any of its rights or obligations under this Agreement without the prior written consent of District, which consent may be withheld, conditioned, or delayed for any or no reason.

22. Headings.

The Section headings used in this Agreement are for reference only, and will not in any way limit or amplify the terms and provisions hereof, nor will they enter into the interpretation of this Agreement.

23. Recitals.

The recitals at page 1 of this Agreement are incorporated herein by this reference and made a part hereof.

24. Representations and Warranties of Applicant.

- (a) Applicant represents and warrants that: (a) it is duly-organized and legally existing under the laws of the State of California and is duly-qualified to do business in the State of California; (b) this Agreement will constitute, legal, valid and binding obligations of Applicant enforceable in accordance with its terms; and (c) the execution and delivery of this Agreement is within Applicant's power and authority without the joinder or consent of any other party and have been duly authorized by all requisite action and are not in contravention of Applicant's contracts, charter, bylaws or other organizational documents.
- (b) Applicant Indemnity. Applicant will defend, indemnify and hold the District harmless against any loss, claim, damage, liability or expense (including, without limitation, reasonable attorneys' fees) arising out of the representations and warranties of Subsection 24(a) above.

25. Days.

Unless otherwise specified to the contrary, "days" in this Agreement will mean calendar, not business, days.

DISTRICT:

Groveland Community Services District,
a political subdivision of the State of
California

Dated: _____

By: _____

Name: _____

Title: _____

ATTEST:

Rachel Pearlman
Board Secretary

APPROVED AS TO FORM:

Daniel J. Schroeder
District General Counsel

APPLICANT:

Ryan Campbell
Chairman of the Board of Supervisors

By: _____

Name: _____

Title: _____

EXHIBIT "A"
REAL PROPERTY DESCRIPTION

Construction of a Community Resilience Center approximately 8,785 sq. ft. in size. This facility will contain the following amenities: office space, classroom, commercial kitchen, large meeting area, generator, and parking. Building materials for this facility include: : slab on grade steel frame structures; roofs are made up of two types of roofing systems- standing seam metal roof and TPO roofing and both roofing systems is applied over metal decking without concrete. The exterior finishes include cement plaster, exposed fastener metal siding, and veneer masonry and all on exterior metal stud framing. The entry utilizes an aluminum storefront system.

DRAFT

RESOLUTION 09-2021

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE GROVELAND COMMUNITY SERVICES DISTRICT APPROVING A PLAN CHECK AND INSPECTION AGREEMENT WITH TUOLUMNE COUNTY FOR THE GROVELAND COMMUNITY RESILIENCE CENTER

WHEREAS, the Groveland Community Services District (herein referred to as District) is a local government agency formed and operating in accordance with Section §61000 et seq. of the California Government Code; and

WHEREAS, Tuolumne County has received funding through the National Disaster Resiliency Competition for the development of the Groveland Community Resilience Center adjacent to the District administrative office; and

WHEREAS, the Groveland Resilience Center will provide great benefit to the community and region; and

WHEREAS, new water and sewer service connections and laterals must be installed on the District water and sewer system, requiring the execution of the District’s standard Plan Check and Inspection Agreement which outlines the obligations and responsibilities of the District and County associated therewith.

NOW THEREFORE BE IT RESOLVED THAT THE BOARD OF DIRECTORS OF THE GROVELAND COMMUNITY SERVICES DISTRICT DOES hereby adopt Resolution 09-2021 approving a Plan Check and Inspection Agreement with Tuolumne County for the Groveland Community Resilience Center.

WHEREFORE, this Resolution is passed and adopted by the Board of Directors of the Groveland Community Services District on March 9, 2021 by the following vote.

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

ATTEST:

Rachel Pearlman, Board Secretary

Janice Kwiatkowski, President - Board of Directors

CERTIFICATE OF SECRETARY

I, Rachel Pearlman, the duly appointed and acting Secretary of the Board of Directors of the Groveland Community Services District, do hereby declare that the foregoing Resolution was duly passed and adopted at a Regular Meeting of the Board of Directors of the Groveland Community Services District, duly called and held on March 9, 2021.

DATED: _____



BOARD MEETING AGENDA SUBMITTAL

TO: GCSB Board of Directors
FROM: Pete Kampa, General Manager
DATE: March 9, 2021
SUBJECT: Agenda Item 5A. Discussion and Board Direction on Groveland CSD Fire Department Operational and Financial Matters Including Increased Staffing Levels, Expanded Facilities and Equipment, as Well as Funding Proposed to be Provided Through the Tuolumne County Fire Authority

RECOMMENDED ACTION:

This is intended as an update report only and no specific action is required; however, Board direction to staff is appropriate and expected.

BACKGROUND:

The board has requested that we continue to discuss current events related to the status of the operation of the Groveland Fire Department, the Tuolumne County Fire Authority, the June 8, 2021 special tax measure, fire staffing in the region and costs associated with increasing staffing at the GCSB fire station. For each Board meeting a brief written summary of activities will be provided.

During the past month, the general manager and board president have attended board meetings of the Tuolumne County Fire Authority (TCFA) on February 18th, and on March 5th. The TCFA agenda packet for the March meeting is included with this report as it is the most current and the February packet was nearly identical, but also included the approval of Bylaws and the Conflict of Interest policy. This document has been written prior to the March 5th meeting and the TCFA will be considering action at the March 5 meeting to waive the second reading and approve an ordinance authorizing the levy of a fire special tax, subject to voter approval. The election date has been set for an all-Mail ballot on June 8th, 2021.

Pursuant to the joint powers agreement that formed the TCFA, a ballot measure would be developed for consideration by the voters, and if approved would be levied on the 2021/2022 tax rolls. The following information is discussed in more detail in the February 18, 2021 TCFA staff submittal. The estimated cost of the election and expense to each TCFA member is shown below:

Entity	# of Voters	Estimated Cost
City of Sonora	2976	\$8,928
Columbia Fire Protection District	492	\$1,476
County of Tuolumne	26395	\$79,185
Groveland Community Services District	2296	\$6,888
Jamestown Fire Protection District	484	\$1,452
Tuolumne Fire District	1040	\$3,120
Total	33,683	\$101,049

Details on the proposed measure are as follows:

- The tax will be assessed annually
- The tax will be set at a flat rate per parcel as opposed to square footage per parcel or another scalable metric.
- The rate will be set as follows:
 - \$75 per unimproved parcel—parcels with no habitable structures
 - \$150 per improved parcel—parcels with habitable structures (ie: home, barn, commercial, etc.)
- The tax will not have a sunset period; the language on ballot will read “until repealed by voters.”
- Exemptions will be similar to those for regular property taxes, however, there will be no other exemptions for particular parcel types or zoning. This is consistent with other voter-approved bonds and is the most equal since all parcel types utilize services from the fire department.
- The tax will increase annually by 2%. This is consistent with the way property tax is assessed due under Proposition 13 and will ensure this tax collected increases as costs for services increase.

If approved by the voters, following collection of the tax, which is estimated to generate approximately \$4,183,950 annually, each member Fire Department of the TCFA will receive an allocation of the tax based on the number of parcels served as estimated below:

Entity	Total # of Parcels	Estimated Revenue
City of Sonora	2261	\$313,425
Columbia Fire Protection District	217	\$28,650
County of Tuolumne	24,068	\$3,117,975
Groveland Community Services District	4087	\$552,525
Jamestown Fire Protection District	362	\$50,175
Tuolumne Fire District	897	\$121,200
Total	31,892	\$4,183,950

Ballot Measure Related Guidance

Included with this agenda item are three very informative guidance documents relating to Ballot Measures and Public Agencies. We are not anticipating significant discussion at this meeting related to these documents, and they are provided for your reference and understanding of the does and don'ts related to the TCFA ballot measure. There are very strict requirements and restrictions on what Board members and staff can do and say regarding the ballot measure. If you have any questions at all, please do not hesitate to contact me.

District staff and the county are preparing informational documents, including an FAQ to be published and available for public information. We will be publishing the informational materials, including any documents related to the TCFA meetings and action, on the Announcement Pages of our website:

<https://www.gcsd.org/current-information-news-and-events>

Development Impact Mitigation

As directed by the board over approximately the past year and to reduce impacts on existing taxpayers, staff has proposed additional methods to appropriately distribute the cost of providing park and fire services to new land development projects approved by the County such as residential subdivisions, and projects such as lodging or major commercial developments. The purpose of these new funding mechanisms is to apply all service expansion costs to those who generate the need for such additional services. The District has engaged a consultant who is working on both a development impact fee analysis and schedule, as well as the formation of a community facilities district (CFD). These mechanisms are intended to provide funding in the future for fire and park services as new land development projects move through the County process.

Impact Fees are a one-time, upfront charge to offset the impact of the new development on Fire and Park capital equipment and facilities; thereby allowing us to purchase additional fire engines and expand fire stations in the future as population grows. Impact Fees are charged by the county to the construction permit applicant in accordance with our fee schedule, with payment then remitted to the District.

The CFD is intended to cover the proportional cost of increasing staffing and other operating expenses as needed to maintain current levels of service as the population grows. Once the CFD is implemented, new land development projects will be required to “annex” into the CFD and pay the tax as a condition of development and receiving Fire and Park services.

We have held several meetings and reviewed technical memoranda with the consulting firm, NBS and they are moving quickly toward completion of both studies and related documentation.

ATTACHMENTS:

- Agenda materials for the March 5, 2021 meeting of the Tuolumne County Fire Authority
- Staff submittal for the February 18, 2021 meeting of the Tuolumne County Fire Authority
- Guidance Document Related to Appropriate Activities on Local Ballot Measures (Institute for Local Government)

FINANCIAL IMPACT:

This is an update report only.

**Tuolumne County Fire Authority
Board of Directors
Regular Meeting Agenda**

(The Tuolumne County Fire Authority is a joint powers authority pursuant to Government Code §6500 et seq. including the following jurisdictions: City of Sonora, Columbia Fire Protection District, County of Tuolumne, Groveland Community Services District, Jamestown Fire Protection District, and Tuolumne Fire District.)

Meeting Location: Board of Supervisors Chambers
2 S. Green St. Sonora, CA 95370
Meeting Date: March 5, 2021
Meeting Time: 11:00am

Public Participation: Enter this link to participate in the meeting through Microsoft Teams
<http://bit.ly/TCFA2>

Or call in (audio only): [+1 209-279-5158](tel:+1209-279-5158), Phone Conference ID: 906 650 107#

1. Call to Order
 - a. Pledge of Allegiance
2. Roll Call
3. Public Comment (No action may be taken by the Board. 5-minute time limit)
4. Consideration of approving the minutes of the February 17, 2021 meeting.
5. Public Hearing to consider waiving the second reading and adopt the ordinance imposing a special parcel tax for fire suppression, protection and prevention on all taxable real property within the boundaries of the Tuolumne County Fire Authority, subject to voter approval.
6. Consideration of adopting a resolution calling for a special all-mail election on June 8, 2021 for the purpose of levying a special parcel tax for fire suppression, protection and prevention on all taxable real property within the boundaries of the Tuolumne County Fire Authority.
7. Consideration of approving, or providing further direction on, the ballot measure argument in favor of the special parcel tax.
8. Member Reports and Comments
9. Adjournment

In compliance with the Americans with Disability Act, if you require special accommodation to participate in TCFA meetings, please contact the County of Tuolumne at (209) 533-5511 prior to meeting and arrangements will be made to accommodate you.

**BOARD OF DIRECTORS
TUOLUMNE COUNTY FIRE AUTHORITY
REGULAR MEETING MINUTES
FEBRUARY 17, 2021
1:00 P.M.**

1. Call to Order:

Liz Peterson, Senior Administrative Analyst (Tuolumne County), acting chairperson, called the meeting to order at 1:10 p.m. in the Board of Supervisors Chambers located at 2 South Green Street, Sonora, California 95370.

a. Pledge of Allegiance

Ms. Peterson led the Pledge of Allegiance.

b. Introductions

All those present introduced themselves.

c. Announcement of JPA Formation

Ms. Peterson announced the formation of the Tuolumne County Fire Authority and that a copy of the agreement is in the agenda backup. Ms. Peterson announced she would serve as chair of the meeting on agenda items 1 through 4, and thereafter the newly elected chair would take over the meeting.

2. Roll Call:

Present for the First Board of Directors Meeting of the Tuolumne County Fire Authority were Directors: Brian Bell, Pete Kampa, Ryan Campbell, Stan Steiner and Jim Garaventa; and Alternate Directors: Mary Rose Axiak-Rutikanga, Janice Kwiatkowski.

Jason Darby, Director; Matt Foust and Anaiah Kirk, Alternates were absent.

Staff present were Liz Peterson, Senior Administrative Analyst (Tuolumne County); Christopher Schmidt, Deputy County Counsel (Tuolumne County); Andy Murphy (Tuolumne County / Groveland Fire Department / Jamestown Fire Department); Debi Bautista (Tuolumne County); Kaenan Whitman (Tuolumne County); Justin Birtwhistle (Tuolumne County) and Nick Casci (Tuolumne County)

3. Public Comment

No comments were received.

4. Formation Administrative Matters:

a. Consideration of adopting bylaws

Ms. Peterson presented draft bylaws to the Board. Christopher Schmidt, Deputy County Counsel commented about procedure. No public comments were received. Director Kampa moved to adopt by draft bylaws without changes, Director Garaventa seconded, and by a vote of 5-0 with one absent (Director Darby), the motion to adopt the bylaws passed.

b. Consideration of adopting conflict of interest code

Ms. Peterson presented a draft conflict of interest to the Board. No public comments were received. Director Campbell moved to adopt the draft conflict of interest code without changes, Director Bell seconded, and by a vote of 5-0 with one absent (Director Darby), the motion to adopt the conflict of interest code passed.

c. Consideration of adopting resolution setting regular meetings

Ms. Peterson presented a draft resolution setting the proposed dates, times and place of regular meetings of the joint powers authority to the Board. No public comments were received. Director Kampa moved to adopt the resolution without changes, Director Campbell seconded, and by a vote of 5-0 with one absent (Director Darby), the motion to adopt the resolution passed.

d. Election of Officers

Ms. Peterson presented the item and the need for the Board to elect a chairperson and vice chair of the Board of Directors, as well as a secretary. Christopher Schmidt, Deputy County Counsel commented about procedure and the Board elected to separate the Board chair, vice chair and secretary election.

Chairperson. Director Bell nominated Director Campbell as chair of the Board, Director Kampa seconded the nomination, there was no public comment received, and by a vote of 5-0 with one absent (Director Darby) the motion passed.

Vice-Chair. Director Campbell nominated Director Garaventa as vice-chair of the Board, Director Kampa seconded the nomination, there was no public

comment received, and by a vote of 5-0 with one absent (Director Darby) the motion passed.

Secretary. Director Campbell nominated Liz Peterson as secretary, Director Bell seconded the nomination, there was no public comment received, and by a vote of 5-0 with one absent (Director Darby) the motion passed.

e. Consideration of ratifying the filing of notice of the JPA agreement with the Secretary of State and State Controller

Ms. Peterson presented the item announcing the filing of the notice of the joint powers agreement with the California Secretary of State and the State Controller, and Mr. Schmidt commented on the need for authorization to cure a defect in the notice. No public comments were received. Director Garaventa moved to ratify the filing of the notice and authorize curing of any defect in the notice, Director Kampa seconded, and by a vote of 5-0 with one absent (Director Darby), the motion to passed.

5. Consideration of waiving the first reading of the ordinance imposing a special parcel tax for fire suppression, protection and prevention on all parcels of taxable real property within the boundaries of the Tuolumne County Fire Authority, subject to voter approval, setting the public hearing and second reading of the ordinance for March 3, 2021, and providing staff direction on the associated resolution calling the election and argument in favor of the ballot measure

(Director Darby joined the meeting at 1:48pm)

Ms. Peterson presented both the ordinance as well as the associated resolution. Director Campbell volunteered to work with Director Kampa on the ballot question and the argument in favor of the ballot measure. No public comments were received. Director Campbell moved to waive the first reading of the ordinance and director Garaventa seconded the motion. The motion passed 6-0 by rollcall vote.

6. Discussion of upcoming agendas

Ms. Peterson described the upcoming meeting schedule and noted the deadline for the ordinance and resolution is March 12, 2021.

7. Member Reports and Comments

Directors Kampa and Campbell had comments on the formation of the JPA and the upcoming election.

8. Adjournment

Chair Campbell adjourned the meeting at 2:19 p.m.

APPROVED:

Ryan Campbell, Chair

ATTEST:

Liz Peterson,
Secretary

ORDINANCE NO. _____

**AN ORDINANCE OF THE TUOLUMNE COUNTY FIRE AUTHORITY IMPOSING
A SPECIAL PARCEL TAX FOR FIRE EMERGENCY RESPONSE, PREVENTION
AND SUPPRESSION SERVICES TO TAKE EFFECT UPON THE APPROVAL OF
TWO-THIRDS OF THE VOTERS VOTING ON THE PROPOSAL**

-o0o-

The Board of Directors of the Tuolumne County Fire Authority (“Authority”) ordains as follows:

SECTION 1: AUTHORIZATION, PURPOSE, AND INTENT.

It is the purpose and intent of this Ordinance to authorize the levy of a tax on parcels of real property on the secured property tax roll of Tuolumne County within the boundaries of the Authority as depicted in Exhibit A.

Pursuant to the authority of Government Code Section 50075 et seq., Section 53978, Section 6502, and other applicable law, following the certification of results of the June 8, 2021, special election, if two-thirds of the voters vote “yes” on the measure, there shall hereby be levied and assessed a special parcel tax by the Authority on all taxable parcels of real property within its boundaries, for each fiscal year. It is the purpose and intent of this ordinance to impose a special parcel tax for fire emergency response, prevention, suppression and related incidental services, including but not limited to acquiring, operating and maintaining fire prevention and suppression equipment, payment of personnel costs, and funding capital improvements.

SECTION 2: DEFINITIONS.

- A. “Parcel” means the taxable land and any improvements thereon, designated by an assessor’s parcel map and parcel number and carried on the secured property tax roll of Tuolumne County. For the purposes of this Ordinance, Parcel does not include any land or improvements owned by any governmental agency.
- B. “Assessor’s Use Code” shall mean the use code adopted or used by the Tuolumne County Assessor to identify land use categories of real property. If the use codes are modified, the numbers specified herein shall be deemed modified to conform to the new code or designation reflecting the same or substantially similar categories identified herein.
- C. “Fiscal year” means the period of July 1 through the following June 30.

SECTION 3: SPECIAL PARCEL TAX IMPOSED.

A special parcel tax for the purpose specified in Section 1 of this ordinance shall be imposed on all taxable parcels of real property within the jurisdictional boundaries of the Authority as depicted in Exhibit A, each fiscal year until repealed by the voters. The Assessor’s Use Codes

define certain classes of properties that appear on the assessment roll, which may be updated as necessary.

The maximum amount of the special parcel tax for each fiscal year shall be as follows, increased annually at the rate of 2% per year:

<u>Improved Status</u>	<u>Property Type</u>	<u>Assessor's Use Code</u>	<u>Maximum Rate</u>	<u>Per</u>
Unimproved	Residential	00; 02; 03; 04; 05; 06;	\$75.00	Parcel
Unimproved	Commercial	07; 08	\$75.00	Parcel
Unimproved	Miscellaneous	50; 51; 54; 55; 58; 59; 60; 61; 62; 64	\$75.00	Parcel
Improved	Residential	10; 11; 12; 13; 14; 15; 16; 17; 18; 19; 21; 22; 23; 24; 25; 26; 31; 32; 33; 34; 35; 36; 41; 42; 43; 44; 45; 46; 52; 53; 54; 56; 57	\$150.00	Parcel
Improved	Commercial	80; 81; 82; 83; 84; 85; 87	\$150.00	Parcel
Improved	Miscellaneous	13; 20; 30; 40; 59; 63; 64	\$150.00	Parcel

Before the beginning of each fiscal year beyond the first fiscal year the parcel tax is levied, the Board of Directors shall adopt a resolution to increase the maximum parcel tax to be levied upon the parcels for the upcoming fiscal year two percent (2%). Annually, the Board of Directors may set a lower parcel tax rate at its discretion.

The records of the Tuolumne County Tax Collector each year shall provide the basis for determining the calculation of the special parcel tax applicable to each parcel, with such corrections as deemed necessary by the Board of Directors to reflect the actual use and improvement of any parcel.

SECTION 4: SPECIAL FUND, USE OF TAX PROCEEDS.

Pursuant to Section 50075.1(c) of the Government Code, the Authority shall create an account into which the proceeds of this tax shall be deposited. Pursuant to Section 50075.1(b) of the Government Code, the proceeds shall be used by the Authority solely for the purpose of

providing fire emergency response, prevention, suppression and related incidental services, including but not limited to acquiring, operating and maintaining fire prevention and suppression equipment, payment of personnel costs, and funding capital improvements.

SECTION 5: TAXES AS LIENS AGAINST THE PROPERTY.

The amount of taxes for each parcel each fiscal year shall constitute a lien on such property in accordance with Revenue and Taxation Code Section 2187 and shall have the same effect as an ad valorem real property tax lien until fully paid. Said special parcel tax, together with all penalties and interest thereon, shall constitute until paid, to the extent authorized by law, a personal obligation to the Authority by the persons who own the parcel on the date the tax is due.

This tax is a special tax within the meaning of Section 4 of Article XIII A of the California Constitution. Because the burden of this tax falls upon property, this tax also is a property tax, but this tax is not determined according to nor in any manner based upon the value of property; this tax is levied on a parcel, class of improvement, and use of property basis. Insofar as not inconsistent with this Ordinance or with legislation authorizing special taxes, and insofar as applicable to a property tax that is not based on value, such provisions of the California Revenue and Taxation Code and of Article XIII of the California Constitution as relate to ad valorem property taxes apply to the collection and administration of this tax (Severability Clause of Section 10).

SECTION 6: COLLECTION.

If the special tax is approved by two-thirds of the voters voting on the measure, the Authority's appropriations limit will be increased by the amount of this voter-approved tax. The taxes on each parcel shall be billed on the secured roll tax bills for ad valorem property taxes and shall be due to the County of Tuolumne. Insofar as feasible and insofar as not inconsistent with this Ordinance, the taxes are to be collected in the same manner in which the County of Tuolumne collects secured roll ad valorem property taxes. Insofar as feasible and insofar as not inconsistent with the Ordinance, the times and procedures regarding exemptions, due dates, installment payments, correction, cancellations, refunds, late payments, penalties, liens, and collections for secured roll ad valorem property taxes shall be applicable to the collection of this tax. Notwithstanding anything to the contrary in the foregoing, as to this tax: (1) the secured roll tax bills shall be the only notices required for this tax; and (2) the homeowners and veterans' exemptions shall not be applicable to this tax because such exemptions are determined by dollar amount of value.

SECTION 7: ADMINISTRATION AND AMENDMENT.

The Board of Directors of the Authority by resolution may adopt procedures or definitions for the implementation or administration of the special parcel tax. The Authority shall be empowered to amend this ordinance by an affirmative vote of its Board of Directors to carry out the general purposes of this ordinance, to conform the provisions of this ordinance to applicable

state law, to modify the methods of collection, or to assign the duties of public officials under this ordinance. In no event shall the Board of Directors amend this ordinance to increase the maximum amount of the special parcel tax established in Section 3 of this ordinance or modify the purposes for which the tax proceeds were established in Section 4 of this ordinance, unless approved by two-thirds of the voters voting thereon.

SECTION 8: EXEMPTIONS.

The special parcel tax shall not be imposed upon any parcel that is exempt from the special parcel tax pursuant to any provision of the United States Constitution, California Constitution, California State law, or any paramount law. The special parcel tax shall not be imposed upon any parcels which are classified by County Assessor's Use Codes as exempt from ad valorem property taxes. These exemptions include churches, non-profits and local governments that meet the standards for exemption from ad valorem tax.

SECTION 9: ACCOUNTABILITY.

Pursuant to Sections 50075.1(d), 50075.3 and 12463.2 of the Government Code, the auditor of the Authority shall file an annual report with the Board of Directors each year following imposition of the tax which report shall contain a description of the amount of funds collected and expended and the status of any project required or authorized to be funded as identified in this measure, if any.

SECTION 10: SEVERABILITY.

If any provision, section, subsection, sentence, phrase or clause of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion of the Ordinance. The voters hereby declare that they would have adopted the remainder of this Ordinance, including each provision, section, subsection, sentence, phrase or clause, irrespective of the invalidity of any other provision, section, subsection, sentence, phrase or clause.

SECTION 11: EFFECTIVE DATE.

This Ordinance shall take effect immediately following the certification of results of the June 8, 2021, special election if approved by the number of voters required by law voting on the tax at an election, and taxes shall first be levied hereunder for the fiscal year beginning July 1, 2021.

SECTION 12: TERMINATION.

The levying of the parcel tax shall continue until repealed by the voters. In the event the Ordinance is repealed, Section 6 relating to collection and enforcement of liens or obligations for the special tax shall continue until collections have been completed.

SECTION 13: PUBLICATION.

A summary of this ordinance shall be published at least once before the expiration of 15 days after its passage in the Union Democrat, a newspaper of general circulation published in Tuolumne County, together with the names of members voting for and against the same.

SECTION 14: VALIDATION.

Pursuant to the provisions of Government Code Section 50077.5, any judicial action or proceeding to attack, review, set aside, void or annul this ordinance or the approval of the special tax or increase in the spending limitation pertaining to the special property tax shall be commenced, if at all, within 60 days of the date of the effective date of the ordinance.

In regular session of the Board of Directors of the Tuolumne County Fire Authority, introduced on the 17th day of February, 2021, and finally passed and adopted this 3rd day of March, 2021, on regular roll call of the members of said Board by the following vote:

Ayes: _____

Noes: _____

Abstain: _____

Absent: _____

, Chair
Board of Directors
Tuolumne County Fire Authority

ATTEST:
Secretary of the Board of Directors

By: _____
Secretary Date

APPROVED AS TO LEGAL FORM:

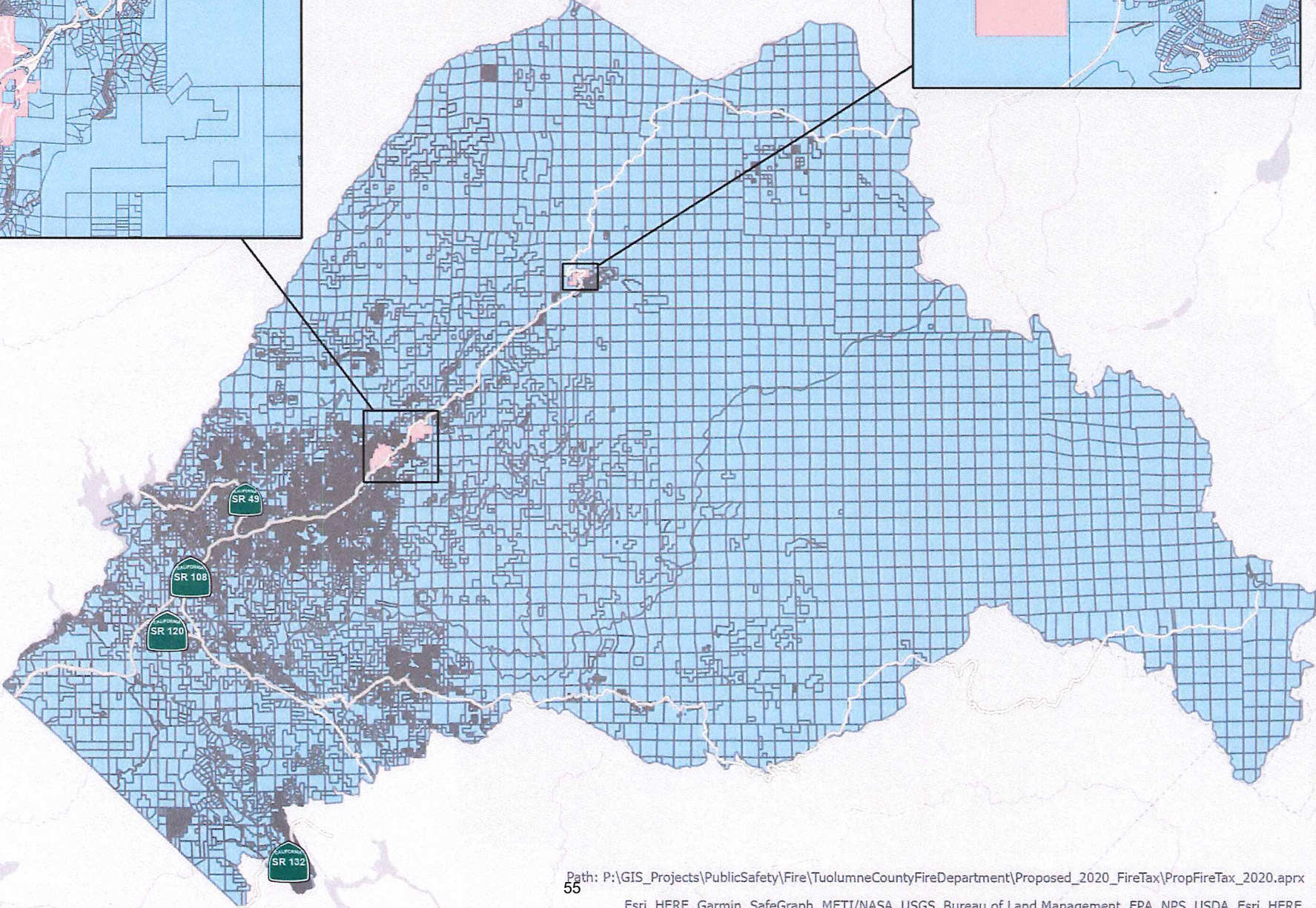
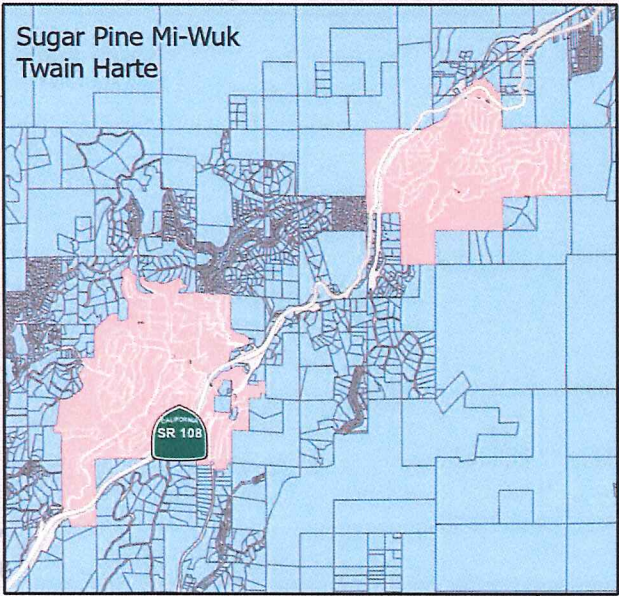
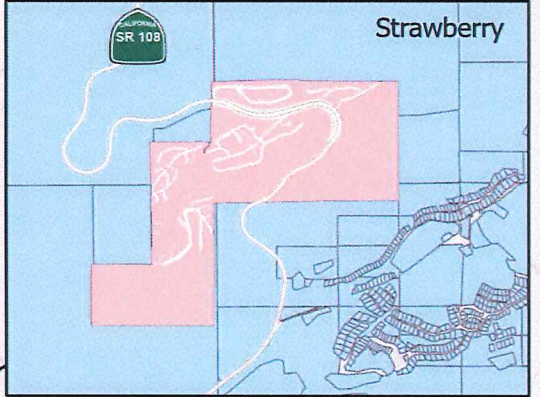
Date

EXHIBIT A

Sugar Pine
Mi-Wuk
Twain Harte

Tuolumne County Fire Proposed Fire Tax

- Fire Protection District - No Add'l Tax Proposed
- Proposed Fire Tax by Parcel



NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Board of Directors of the Tuolumne County Fire Authority will hold a public hearing on March 5, 2021, at 11:00 a.m. or as soon thereafter as may be heard, in the Board of Supervisors Chambers at the Tuolumne County Administration Center located at 2 South Green Street, 4th Floor, Sonora, California, to consider the following:

Public hearing to consider adopting an ordinance imposing a special parcel tax for fire response, suppression, protection and prevention on all taxable real property within the boundaries of the Tuolumne County Fire Authority (TCFA), subject to voter approval. The TCFA jurisdiction and boundary where the parcel tax would be imposed includes all incorporated (city) and unincorporated areas of the County of Tuolumne *except* areas within the Twain Harte Community Services District, Strawberry Fire Protection District, and Mi Wuk Sugar Pine Fire Protection District.

If adopted by the TCFA Board of Directors, the ordinance will be placed on the ballot at an all-mail special election to occur on June 8, 2021, and will become effective if it is adopted by two-thirds of the voters voting on the measure. The special parcel tax proposed would be at a rate of \$75 per unimproved parcel and \$150 per improved parcel, annually with a 2% annual inflation adjustment, providing \$4,184,471 annually, and continuing until repealed by the voters. The tax would be collected in the same manner, and be subject to the same exemptions and exclusions, as local property taxes.

Any persons affected by the above matter(s) may submit written comments to, or request a copy of the proposed ordinance from, the Secretary of the Authority before the hearing or may speak in support or opposition of the ordinance during the public hearing. The meeting will be physically closed to the public but the public is invited to participate through Microsoft Teams at <http://bit.ly/TCFA2> or may call in for audio only at (209) 279-5158; Phone Conference ID# 906 950 107

Please send all written correspondence or requests for copies to: Tuolumne County Fire Authority Secretary, 2 South Green Street, 4th Floor, Sonora, CA 95370 or (209) 533-6396.

S/Liz Peterson
Secretary, Tuolumne County Fire Authority

PLEASE DO NOT PRINT TEXT TYPED BELOW THIS LINE

Publish Date: **Tuesday, February 23, 2021**
Tuesday, March 2, 2021

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BILL TO: **Tuolumne County Administrator's Office (Credit Card on file)**

**R E S O L U T I O N O F T H E
B O A R D O F D I R E C T O R S O F T H E
T U O L U M N E C O U N T Y F I R E A U T H O R I T Y**

- WHEREAS, the Board of Directors does hereby determine that in order to provide adequate levels of fire protection and prevention services in the jurisdictional boundaries of the Tuolumne County Fire Authority (“Authority”), it is necessary to impose a special parcel tax against taxable real property;
- WHEREAS, pursuant to Government Code Section 50075 et seq., Section 53978, Section 6502, and other applicable law, the Board of Directors of the Authority is authorized to adopt an ordinance proposing a special parcel tax for fire emergency response, protection, prevention and suppression services on taxable real property within the boundaries of the Authority as depicted in Exhibit A (“Ordinance”);
- WHEREAS, Government Code Section 50075 et seq. requires an ordinance imposing a special tax obtain two-thirds voter approval before taking effect; and,
- WHEREAS, the Board of Directors of the Authority desires to call a special election by all-mail ballot held in accordance with the law for the purpose of submitting to the qualified electors of the Authority a measure on whether to enact the Ordinance; and,
- WHEREAS, the Board of Directors desires to call a special election to be held June 8, 2021.

NOW THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Directors of the Tuolumne County Fire Authority as follows:

1. Pursuant to its right and authority, the Board of Directors submits to the voters, by all-mail ballot at a special election on June 8, 2021, the proposed measure to levy a special tax on taxable real property within the boundaries of the Tuolumne County Fire Authority as depicted in Exhibit A (“Ordinance”). All proceeds from this special tax shall be used for fire emergency response, protection, prevention and suppression services, including but not limited to acquiring, operating and maintaining fire prevention and suppression equipment, payment of personnel costs, and funding capital improvements.
2. The special tax shall not become effective unless adopted by two-thirds of voters voting on the measure at the June 8, 2021, special election, at which election the issue to be presented to the voters shall be:

“Tuolumne County Fire Authority Parcel Tax Measure. To protect lives and property from fire, upgrade fire equipment, improve response capabilities, and provide a dedicated source of local funding, shall the measure be adopted authorizing a new parcel tax on real property within the boundaries of the Tuolumne County Fire Authority at a rate of \$75 per unimproved parcel and \$150 per improved residential or commercial parcel, with a 2% annual inflation adjustment, providing \$4,184,471 annually, and continuing until repealed by the voters? Yes ____ No ____”

3. The full text of the measure entitled “*An Ordinance Of The Tuolumne County Fire Authority Imposing A Special Parcel Tax For Fire Emergency Response, Prevention and Suppression Services To Take Effect Upon The Approval Of Two-Thirds Of The Voters Voting On The Proposal*” attached hereto as Exhibit A is adopted by the Board of Directors on March 3, 2021, and approved for submission to the voters by all-mail ballot at the June 8, 2021, special election. If two-thirds of the qualified voters voting on the Ordinance vote in favor thereof, the Ordinance shall be deemed adopted and shall be effective in accordance to its terms.
4. The Board of Directors hereby orders that the election on the measure shall be held June 8, 2021.
5. The election shall be conducted by all-mail ballot as prescribed by California Elections Code §§ 4000 et. seq. within all incorporated and unincorporated areas within the boundaries of the Tuolumne County Fire Authority.
6. The Secretary of the Board is directed to forward to the County Clerk of the County of Tuolumne a copy of this resolution.
7. The County Clerk is authorized and directed to call for arguments for and against said measure, and to conduct said election according to applicable election laws.
8. The County Counsel for the County of Tuolumne shall prepare an impartial analysis of the measure.
9. The Auditor-Controller for the County of Tuolumne shall prepare a fiscal impact statement.
10. The measure shall become operative on July 1, 2021, if adopted by two-thirds of voters voting at the June 8, 2021, special election.

ADOPTED BY THE BOARD OF DIRECTORS OF THE TUOLUMNE COUNTY FIRE AUTHORITY ON MARCH 5, 2021.

Ayes: _____

Noes: _____

Abstain: _____

Absent: _____

 , Chair
 Board of Directors
 Tuolumne County Fire Authority

ATTEST:

Secretary of the Board of Directors

By: _____
Secretary Date

APPROVED AS TO LEGAL FORM:

Date

Pro Argument:

A **YES** vote for Measure __ will finally establish a consistent, predictable source of funding for our fire needs that goes **ONLY** to local fire departments.

Changes in state law over decades have reduced the share of funding local fire districts like ours receive for fire and emergency services. As a result, local districts face dwindling resources and an increasing demand for services with few options to stem the tide of those rising costs. Measure __ gives us the opportunity to determine our own destiny and build a secure source of funding. A **YES** vote for Measure __ will **ensure funding for fire protection services is secure and stays local**. It will help districts replace and upgrade equipment such as fire engines, water tenders, rescue equipment like the “Jaws of Life”, and expand and upgrade fire stations. All the money brought in will stay local and cannot be touched by the state.

We all care about fire safety and supporting our brave firefighters. Tuolumne County area fire districts have joined forces like never before; they formed the Tuolumne County Fire Authority to work toward expanding fire protection for the citizens we serve. **We owe it to our firefighters** to provide them with the equipment, facilities, and training to do their jobs effectively.

Funds from this measure will be distributed directly to Tuolumne County Fire Department, Sonora City Fire Department, Groveland Fire Department, Jamestown, Tuolumne, and Columbia Fire districts based on the number of parcels in each district.

Measure __ has the support of..... local groups and individuals.

Join us in protecting our community and vote **YES** on Measure __

Signed,

The Tuolumne County Fire Authority Directors

Word count: 276

Director Backup / Inclusive Staff Memo

Agenda Item 1: Call to Order

At this first meeting of the Tuolumne County Fire Authority (TCFA), Board Members (Directors) and Alternate Board Members (Alternates) are encouraged to attend. Only Directors or Alternates to absent Directors will vote.

In the absence of a Board Chair, Liz Peterson, Senior Administrative Analyst for the County of Tuolumne will open the meeting and run through agenda items #1 through 4. After Agenda Item #4, the newly elected Board Chair will take over running the meeting.

A copy of the Joint Exercise of Powers Agreement forming the TCFA is provided as Attachment 1.

Agenda Item 2: Roll Call

Ms. Peterson will lead a roll call of Directors and Alternates.

Agenda Item 3: Public Comment

Members of the public may comment on items not on today's agenda that are relevant to the TCFA. Public comments should be limited to no more than 5 minutes. No action will be taken on any public comments.

Agenda Item 4: Formation Administrative Matters

Item 4(a): Consideration of adopting Bylaws and Conflict of Interest Code (Attachment 2)

As set forth in Section 4(g) of the JPA Agreement, draft bylaws are proposed and presented as set forth in Attachment 2. These bylaws provide the rules and regulations for the TCFA governing board's operation. The document was prepared by counsel for GCSD and reviewed by counsel for the County of Tuolumne and the City of Sonora.

Item 4(b): Consideration of adopting resolution approving the conflict of interest code (Attachment 3)

The Political Reform Act requires local government agencies to adopt and promulgate a conflict of interest code and to conduct a review of the code every two years. The Political Reform Act requirements as included in the proposed draft conflict of interest code included as Attachment 3, requires certain JPA officials, specified in section 87200 of the California Government Code, to file economic disclosure forms ("Form 700") and abstain from making or participating in making governmental decisions which have a reasonably foreseeable material effect on an economic interest.

The attached conflict of interest code was prepared by counsel for GCSO and reviewed by counsel for the County of Tuolumne and the City of Sonora. It is recommended your Board approve the conflict of interest code as set forth on Attachment 3 designating officials and establishing disclosure categories.

Please note, recent changes in law require persons required to prepare and file a Form 700 must list all agencies in which they participate in government decisions. If you have any questions in preparation of that form or the place of filing, please consult agency counsel.

Item 4(c): Consideration of adopting resolution setting the date, time and place of meetings of the Board of Directors (Attachment 4)

Article 3, Section 1, requires your Board to establish by resolution the date, time and place for regular meetings which shall occur at a minimum of two (2) times per year. The proposed resolution as set forth in Attachment 4 provides regular meetings shall occur at the Tuolumne County Administration Center located at 2 South Green Street unless scheduled otherwise by your Board. Those meetings shall occur regularly on the third Wednesday of January and June each year.

When considering the time of regular meetings, it is recommended a time be chosen which accommodates timely adoption of an annual budget and re-election of officers, as necessary on a regular basis.

Item 4(d): Election of Officers: Elect a Chairperson, Vice Chairperson and a Secretary

Article 5 of the TCFA Bylaws specify that the Board of Directors shall elect a Chairperson, Vice Chairperson and a Secretary (or Executive Director). The Chair presides over all meetings, and the Vice Chair shall act in place of and have all the powers and duties of the Chairperson's in his or her absence. The Secretary shall maintain a public record of the Authority Board's resolutions, transactions, findings and determinations, and shall prepare agendas and minutes of all Regular and Special meetings of Authority. It is recommended your Board discuss and elect these officials to serve a term of one (1) year.

Item 4(e): Ratify the filing of the necessary documents with the California Secretary of State and California State Controller (Attachment 5)

Section 19 of the JPA Agreement requires preparation and filing with the California Secretary of State and the State Controller of a notice of the JPA Agreement. This notice is required to be filed within 30 days of the JPA Agreement's execution, which expired prior to this meeting. Therefore, a notice was prepared and filed by Supervisor Ryan Campbell as the director designated by member, County of Tuolumne. It is recommended your Board ratify Director Campbell's preparation and filing of the notice,

a copy of which is in Attachment 5, and authorize an amendment or other corrective measure to the notice to add Jamestown Fire Protection District due to the County's late receipt of their resolution.

AT THIS TIME, THE NEWLY ELECTED CHAIR WILL RUN THE MEETING

Agenda Item 5: Consideration of waiving the first reading of an ordinance imposing a special parcel tax for fire suppression, protection and prevention on all taxable real property within the boundaries of the Tuolumne County Fire Authority, subject to voter approval (Attachment 6), set the public hearing and second reading of the ordinance for March 3, 2021, and provide staff direction on the associated resolution calling the election (Attachment 7) and argument in favor of the ballot measure.

Fire departments provide invaluable services to their communities. Collectively, the Fire Departments within this JPA respond to thousands of calls for service each year and service expectations placed on the fire departments have steadily increased in the areas of:

- EMS delivery
- Natural Disaster response and increased fire problem
- Technical rescue
- Community expectations

This expanding mission comes at a time when budgets are stretched incredibly thin, which translates to more duties with fewer dollars to support them. Funding to support our fire departments has steadily decreased due to the following:

- Property tax and other revenue not keeping up with expenses
- More competition for grants
- Increased expenses (personnel, equipment, etc.)
- Decreased availability and number of volunteers

Tuolumne County Fire JPA

As you know, our respective entities have been working collaboratively for many years and most recently efforts have been focused on placing a measure on the ballot for voters to approve a special parcel tax for fire services. All revenue collected would be placed in a fund set aside only for use for fire services. A special tax also requires approval from 2/3 of the voters, not a simple majority like general taxes.

In December, this Joint Powers Authority was formed in order to jointly levy a unified tax measure for every voter in our respective jurisdictions.

The Twain Harte Community Services District, Mi-Wuk/Sugar Pine Fire Protection District and the Strawberry Fire Protection District opted not to participate in the JPA

because they each have their own assessments/parcel taxes and did not want to add more to their residents. The Tuolumne Rancheria Fire Department also opted not to participate in the tax measure. However, each of these districts have expressed support for this new JPA and the special parcel tax for fire.

Special Tax for Fire Services

Your Board now has the authority to adopt an ordinance for the tax and calling for the special election, as well as to set the tax rate. Voters who are not within the jurisdiction of this newly formed JPA will not vote on the tax.

The special election will be held on June 8, 2021. The cost for the election is estimated to be approximately \$3.00 per voter. The cost of the special election will be shared by each member of the JPA based on the number of voters in each jurisdiction. Approximate costs are as follows:

Entity	# of Voters	Estimated Cost
City of Sonora	2976	\$8,928
Columbia Fire Protection District	492	\$1,476
County of Tuolumne	26395	\$79,185
Groveland Community Services District	2296	\$6,888
Jamestown Fire Protection District	484	\$1,452
Tuolumne Fire District	1040	\$3,120
Total	33,683	\$101,049

Tax Ordinance

Administrative, legal staff and Fire Chiefs have met multiple times with the County Assessor and Auditor-Controller to discuss the details of the tax measure. The tax ordinance for your consideration and approval today (Attachment 6) describes the special tax with the following details:

- The tax will be assessed annually
- The tax will be set at a flat rate per parcel as opposed to square footage per parcel or another scalable metric.
- The rate will be set as follows:
 - \$75 per unimproved parcel—parcels with no habitable structures
 - \$150 per improved parcel—parcels with habitable structures (ie: home, barn, commercial, etc.)
- The tax will not have a sunset period; the language on ballot will read “until repealed by voters.”
- Exemptions will be similar to those for regular property taxes, however, there will be no other exemptions for particular parcel types or zoning. This is consistent

with other voter-approved bonds and is the most equal since all parcel types utilize services from the fire department.

- The tax will increase annually by 2%. This is consistent with the way property tax is assessed due under Proposition 13 and will ensure this tax collected increases as costs for services increase.

It is estimated the tax will bring in approximately \$4,183,950 annually with each entity receiving the following approximate annual revenue:

Entity	Total # of Parcels	Estimated Revenue
City of Sonora	2261	\$313,425
Columbia Fire Protection District	217	\$28,650
County of Tuolumne	24,068	\$3,117,975
Groveland Community Services District	4087	\$552,525
Jamestown Fire Protection District	362	\$50,175
Tuolumne Fire District	897	\$121,200
Total	31,892	\$4,183,950

The attached ordinance imposing the special tax must be brought to your Board for two readings at two different meetings before it can be approved. If you are satisfied with the details of the ordinance, we are requesting your Board waive the first reading of the ordinance today and set the public hearing and second reading for March 3, 2021.

The Resolution and Ballot Question:

At your next Board meeting on March 3rd, you will also be asked to approve a resolution calling for the special election on June 8, 2021. A draft resolution is attached for your consideration today (Attachment 7). The resolution also states the question that will be added to the ballot for voters to approve. The language currently reads as follows:

“Tuolumne County Fire Authority Parcel Tax Measure. To reduce the threat of wildfire and enhance fire protection, prevention and response, shall the measure be adopted authorizing a new parcel tax on real property within the boundaries of the Tuolumne County Fire Authority at a rate of \$75 per unimproved parcel and \$150 per improved parcel, with a 2% annual inflation adjustment, providing \$4,183,950 annually, and continuing until repealed by the voters? Yes ____ No ____”

Your Board can make changes to this language at your meeting today or can appoint two Board members to work on this language outside of a Board meeting and bring it back to your Board for approval on March 3rd. The question must be one sentence and can only be 75 words in length.

Argument in Favor of the Ballot Measure

Your Board also has the ability to write an argument in favor of the ballot measure once the County Clerk has received the approved resolution calling for the special election. Only one argument in favor and one argument in opposition would be published in the voter guide that is mailed to voters. The argument is limited to 300 words. The County Clerk sets the timeline for when ballot arguments would be submitted, typically around 30 days after the special election is called. If an argument in opposition is filed, your Board can also submit a rebuttal, which cannot exceed 250 words. If your Board desired to submit argument in favor of the ballot measure, it is recommended your Board appoint two members to work with staff to develop the argument and bring it back at a later meeting for approval.

Recommendation:

It is respectfully requested your Board waive the first reading of the ordinance imposing a special parcel tax for fire suppression, protection and prevention on all taxable real property within the boundaries of the Tuolumne County Fire Authority, subject to voter approval, set the public hearing and second reading of the ordinance for March 3, 2021, and provide staff direction on the associated resolution calling the election and argument in favor of the ballot measure.

Agenda Item 6: Discussion of upcoming agendas

Below is a list of items to be addressed at upcoming meetings and a draft schedule for the first three meetings.

March 3, 2021, 1:00pm

- o Public hearing and second reading of the parcel tax ordinance

- o Approve Resolution calling the special all-mail election for June 8, 2021
 - Finalized ballot question
 - Finalized argument in favor of ballot measure

March 5, 2021—Opportunity to conduct any additional business before deadline

March 12, 2021—Deadline to approve ordinance and resolution calling election

March 17, 2021 - Any remaining discussion and approval needed for argument

Agenda Item 7: Member Reports and Comments

This is time for any members of the TCFA Board to provide informational reports, comments, suggested future agenda items, etc.

Agenda Item 8: Adjournment



Ballot Measures and Public Agencies

General Framework

2014 Version

www.ca-ilg.org/ballot-measure-activities

Important policy decisions affecting local agencies in California are made by the electorate through the initiative and referendum process. Determining what role local agencies and their officials may play in the initiative and referendum process can be quite complicated.

The following series of questions and answers provide general guidelines and analyses of pertinent issues associated with the use of public resources and ballot measure activities. The purpose of this guide is to provide guidance that represents the Institute's best judgment, based on the law, on how to avoid stepping over the line that divides lawful from unlawful conduct. As a general matter, the Institute believes in not snuggling right up to any such lines, but instead giving them some berth.

It is also important to remember that just because a given course of action may be lawful, it may not satisfy the agency's or the public's notions of what constitutes an appropriate use of public resources. Proper use of public resources is a key stewardship issue for public officials. In determining proper use of public resources, it is important to remember the law creates only minimum standards. In addition, there may be potential political implications of walking too close to the line in terms of the public's overall reaction to a ballot measure and where one wants the public's attention to be focused.

This guide is offered for general information only and is not intended as legal advice. Reasonable attorneys can and do disagree on where the boundaries are on these issues; moreover, the specific facts of the situation are an important element of the analysis. **Always consult an attorney knowledgeable about this area of the law when analyzing what to do in specific situations.**

For more information on legal issues associated with use of public resources and ballot measure activities, see parts 2-4 of this resource available at www.ca-ilg.org/ballot-measure-activities:

- Part 2: Before a Measure is Put on the Ballot
- Part 3: Specific Questions
- Part 4: Activities by Individuals

General Framework

- 1. Our agency is interested in a measure that is appearing on an upcoming ballot. We have information that may be helpful to the public in making its decision on how to vote. What do we need to keep in mind as we consider sharing that information with the public?*

Public agencies play an important and ongoing role in contributing to the public's information on important issues affecting the community. The flow of information back and forth between public agencies and residents, as well as among residents, is vital to effective decision-making.

When it comes to issues that either may be or are on the ballot, there are two different areas of law that provide guidance on public agency communication activities:

- One is a body of case law that says what public agencies may and may not do to communicate their views on ballot measures with public resources. "Public resources" includes not only money, but things paid for with public money, including staff time, agency facilities, materials and equipment and agency communications channels.¹
 - The other area of law relates to campaign restrictions and transparency requirements under the state's Political Reform Act. Part of the theory of transparency requirements is that the public has a right to know who is spending what to influence their votes.² There also are restrictions on using public resources to mail advocacy materials to voters.³
- 2. What is the underlying theory for restricting public agency activities with respect to ballot measure advocacy? Aren't public information efforts relating to what's best for the community a core function for local agencies?*

The reason courts have given for restricting public agency activities with respect to ballot measures is the use of taxpayer dollars in an election campaign could distort the debate⁴ and undermine the fairness of the election.⁵ More specifically, courts have worried about public agency communications overwhelming voters⁶ and drowning out the views of others.⁷ Restrictions also are a way of maintaining the integrity of the electoral process by neutralizing any advantage that those with special access to government resources might possess.⁸

That being said, courts have also recognized that public agencies also have a role to play in making sure the public has the information it needs to make informed decisions. One court explained the role this way:

If government is to secure cooperation in implementing its programs, if it is to be able to maintain a dialogue with its citizens about their needs and the extent to which government can or should meet those needs, government must be able to communicate. An approach that would invalidate all controversial government speech would seriously impair the democratic process.⁹

The court also noted that, if public agencies cannot address issues of public concern and controversy, they cannot govern.¹⁰

3. *What guidelines have the courts provided on using public resources relating to ballot measures?*

The California Supreme Court has, in essence, created three categories of activities:

- a) Those that are usually *impermissible* campaign activities;
- b) Those that are usually *permissible* informational activities; and
- c) Those that may *require further analysis* under the “style, tenor and timing” test.¹¹

Impermissible activities include using public funds to purchase campaign materials: bumper stickers, posters, advertising “floats,” television and radio spots and billboards.¹² Another improper activity is using public resources to disseminate advocacy materials prepared by others.¹³ The production and mailing of “promotional campaign brochures” is also not allowed, even when those documents contain some useful factual information for the public.¹⁴

Permissible activities include:

- Taking a position on a ballot measure in an open and public meeting where all perspectives may be shared;¹⁵
- Preparing staff reports and other analyses to assist decision-makers in determining the impact of the measure and what position to take;¹⁶
- Responding to inquiries about ballot measures in ways that provide a fair presentation of the facts about the measure and the agency’s view of the merits of a ballot measure.¹⁷
- Accepting invitations to present the agency’s views before organizations interested in the ballot measure’s effects.¹⁸

Any activity or expenditure that doesn’t fall into either the “usually impermissible” or “usually permissible” category must be evaluated by a “style, tenor and timing” standard against the backdrop of the overarching concern for fairness and non-distortion in the electoral process.¹⁹

What kinds of things do the courts look for in evaluating “style, tenor and timing”? The safest approach is to deliver the information through regular agency communications channels (for example, the agency’s existing website or newsletter), in a way that emphasizes facts and does not use inflammatory language or argumentative rhetoric.²⁰ Any communications should not encourage the public to adopt the agency’s views, vote one way or another, or take any other actions in support of or in opposition to the measure.²¹

4. *Are there additional restrictions a public agency should keep in mind with respect to ballot measure communications?*

Yes. To complicate matters further, regulations adopted by the Fair Political Practices Commission further prohibit certain kinds of communications using a similar, but not identical, standard as the courts. The regulation prohibits *mailed* communications²² that *either* expressly advocate the passage or defeat of a clearly identified ballot measure²³ *or*, when taken as a whole and in context, unambiguously urge a particular result in an election.²⁴ Among the criteria for whether a communication meets this test is whether, considering the style, tenor and timing of the communication, the communication can reasonably be characterized as campaign material (not a fair presentation of the facts serving only an informational purpose).²⁵

The regulation goes on to say that, when considering the style, tenor and timing of an item, factors to be considered include (but are not limited to) whether the item:

- Uses inflammatory or argumentative language (an indicator of an advocacy piece);
- Is funded from a special appropriation related to the measure (possibly another indicator of an advocacy piece);
- Is consistent with normal communications patterns for the agency (possibly an indicator of an informational piece); and
- Is consistent with the style of other agency communications (possibly an indicator of an informational piece).²⁶

These restrictions expand previous Fair Political Practices Commission interpretations of what constitutes a prohibited mass mailing.²⁷ The basic prohibition is very broad: “No newsletter or other mass mailing shall be sent at public expense.”²⁸ The original ballot measure materials relating to this section indicate that the target of this prohibition was mailings by elected officials to raise their profile with voters.²⁹

Mass mailing restrictions apply to 200 or more substantially similar pieces of mail. Under the Fair Political Practices Commission regulation, items are “substantially similar” if they both expressly advocate or unambiguously urge the passage or defeat of the same ballot measure.³⁰

5. *What about transparency requirements under the Political Reform Act?*

Local agencies engaged in activities related to ballot measures should also be mindful of campaign expenditure reporting requirements when the agency produces materials which either expressly advocate or unambiguously urge a particular result in a ballot measure election.³¹ These reporting requirements apply both *before and after* a measure has qualified for the ballot.³²

In this regard, it is important to distinguish between transparency requirements and prohibitions. The earlier discussion in this guide relates to the *prohibition* against using public resources for campaign purposes. The Political Reform Act's campaign disclosure requirements, however, are *transparency* requirements: the message is that the public has a right to know who is spending what amounts of money to influence elections.

For state and local agencies, the Fair Political Practices Commission's regulations say that public agencies must report the direct and indirect costs of materials and activities that either expressly advocate or unambiguously urge the qualification, passage or defeat of a ballot measure.³³ Communications meet these criteria if they:

- Are clearly campaign material or activities (bumper stickers, billboards, door-to-door canvassing, or mass media advertising, including but not limited to television and radio spots); or
- Can reasonably be characterized as campaign materials considering their style, tenor and timing and do not involve a fair presentation of the facts serving only an informational purpose.³⁴

Again, the regulation goes on to say that, when considering the style, tenor and timing of an item, factors to be considered include (but are not limited to) whether the item:

- Is funded from a special appropriation related to the measure;
- Is consistent with normal communications patterns for the agency;
- Is consistent with the style of other agency communications; and
- Uses inflammatory or argumentative language.³⁵

However, the regulations accept certain communications from reporting requirements. For example, these exceptions include communications providing internal analyses of a measure to a member of the public on request, reports of an agency's position in the minutes of a meeting, agency arguments in a voter's pamphlet, presentations by public employees on the agency's position requested by organizations, and communications "clearly and unambiguously" authorized by law.³⁶

These transparency requirements present tricky issues for local agencies. Local agencies may be inclined to report any costs incurred relating to ballot measure communications out of an abundance of caution. However, in so doing, an agency may be creating a basis for someone to challenge an agency as having made an impermissible expenditure of public resources under the case law and Fair Political Practices regulations discussed under questions 3 and 4, respectively. This is one of the many reasons it is wise to be in close contact with agency counsel regarding issues relating to ballot measure activities.

6. *What are the consequences of stepping over the line dividing permissible from impermissible uses of public resources with respect to ballot measure activities?*

The stakes are high for those involved in misuses of public resources. Public officials face personal liability—criminal and civil—for stepping over the line.

Improper use of public resources is a crime.³⁷ Criminal penalties include a two- to four-year state prison term and permanent disqualification from public office.³⁸

Civil penalties include a fine of up to \$1,000 for each day the violation occurs, *plus* three times the value of the resource used.³⁹ Other consequences may include having to reimburse the agency for the value of the resources used.⁴⁰ Those charged with improper use of public resources may have to pay not only their own attorneys fees, but also those of any individual who is challenging the use of resources.⁴¹

In addition, conflicting perspectives on whether there might be a “*de minimus*” defense makes relying on such a defense risky.⁴² This includes relying on the defense that one has reimbursed the value of using public resources improperly.

Finally, engaging in such activities gives rise to reporting obligations for public agencies under the Political Reform Act.⁴³ Failure to comply with these requirements subjects an agency to additional penalties.⁴⁴

7. *Are there general strategies a public agency should employ to make sure that it doesn't step over any lines?*

The first is to make sure that public agency employee and officials are aware of these restrictions.

Another strategy is to review the issues in this guide with agency counsel at the outset of any ballot measure related activities to be clear on how he or she interprets the law in this area. In many areas, the law is not clear and an agency is well-advised to understand their attorney's interpretations of what is allowed and what is risky. The next strategy is to have a practice of consulting with agency counsel on the application of these restrictions to specific issues that arise.

Finally, documenting an agency's respect for these restrictions is another important strategy. Attorneys refer to this as creating a *record*. Potential challengers to an agency's activities will review the record and other materials (including emails, for example) to determine whether to file a lawsuit. A court will examine the record in deciding whether any missteps occurred. The agency will want to be able to point to documentation that demonstrates that all actions were well within the boundaries dividing lawful from unlawful conduct.

Thanks to Our Supporters

The Institute for Local Government would like to thank the following partners for their support:

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The Institute welcomes feedback on this resource:

- *Email:* ethicsmailbox@ca-ilg.org Subject: *Legal Issues Associated with Use of Public Resources and Ballot Measure Activities Part 1: General Framework*
- *Mail:* 1400 K Street, Suite 205 ▪ Sacramento, CA ▪ 95814

References and Resources

Note: Sections in the California Code are accessible at <http://leginfo.legislature.ca.gov/>. Fair Political Practices Commission regulations are accessible at www.fppc.ca.gov/index.php?id=52. A source for case law information is www.findlaw.com/cacases/ (requires registration).

¹ See *Stanson v. Mott*, 17 Cal. 3d 206, 210-11(1976) (referring to expenditure of staff "time and state resources" to promote passage of bond act); *Vargas v. City of Salinas*, 46 Cal. 4th 1, 31-32 (2009). See also *People v. Battin*, 77 Cal. App. 3d 635, 650 (4th Dist. 1978) (county supervisor's diversion of county staff time for improper political purposes constituted criminal misuse of public monies under Penal Code section 424), *cert. denied*, 439 U.S. 862 (1978), *superseded on other grounds by People v. Conner*, 34 Cal. 3d 141 (1983). *But see Bardolph v. Arnold*, 435 S.E. 2d 109, 113 (N.C. App 1993) (local government may expend public funds to create support for qualified ballot measure), *rev. denied*, 439 S.E.2d 141 (1993).

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- ² See 2 Cal. Code Regs. § 18420.1 (defining campaign-related expenditures as either reportable independent expenditures or contributions).
- ³ See 2 Cal. Code Regs. § 18901.1 (prohibiting campaign mailings sent at public expense).
- ⁴ See *Vargas*, 46 Cal. 4th at 31-32.
- ⁵ *Vargas*, 46 Cal. 4th at 36-37.
- ⁶ See *Vargas*, 46 Cal. 4th at 23-24, 32, citing *Stanson v. Mott*, 17 Cal. 3d 206, 216-217 (explaining that, as a constitutional matter, “the use of the public treasury to mount an election campaign which attempts to influence the resolution of issues which our Constitution leave[s] to the ‘free election’ of the people (see Cal. Const., art. II, § 2) . . . present[s] a serious threat to the integrity of the electoral process”). See also *Keller v. State Bar*, 47 Cal.3d 1152, 1170-1172, (1989), *reversed on other grounds* 496 U.S. 1 (1990).
- ⁷ *Vargas*, 46 Cal. 4th at 46 (concurring opinion).
- ⁸ *San Leandro Teachers Ass’n v. Governing Bd. of San Leandro Sch. Dist.*, 46 Cal.4th 822, 845 (2009).
- ⁹ *Miller v. Comm’n on the Status of Women*, 151 Cal. App. 3d 693, 701 (1984).
- ¹⁰ *Id.*
- ¹¹ *Vargas*, 46 Cal. 4th at 7, citing *Stanson*, 17 Cal. 3d at 222 & n. 8.
- ¹² *Vargas*, 46 Cal. 4th at 24, 32, 42.
- ¹³ *Vargas*, 46 Cal. 4th at 24, 35.
- ¹⁴ *Vargas*, 46 Cal. 4th at 39 n. 20.
- ¹⁵ *Vargas*, 46 Cal. 4th at 37. See also *Choice-In-Education League v. Los Angeles Unified Sch. Dist.*, 17 Cal. App. 4th 415, 429-30 (1993).
- ¹⁶ *Vargas*, 46 Cal. 4th at 36-37.
- ¹⁷ *Vargas*, 46 Cal. 4th at 24-25, 33.
- ¹⁸ *Vargas*, 46 Cal. 4th at 25, 36, citing *Stanson*, 17 Cal. 3d at 221.
- ¹⁹ *Vargas*, 46 Cal. 4th at 7, 30, 40.
- ²⁰ *Vargas*, 46 Cal. 4th at 34, 40 (compare with the tone of the newsletter described in footnote 20).
- ²¹ *Vargas*, 46 Cal. 4th at 40. Here is the full text of the *Vargas*’ court’s conclusion:

In sum, a variety of factors contributes to our conclusion that the actions of the City that are challenged in this case are more properly characterized as providing information than as campaigning: (1) the information conveyed generally involved past and present facts, such as how the original UUT was enacted, what proportion of the budget was produced by the tax, and how the city council had voted to modify the budget in the event Measure O were to pass; (2) the communications avoided argumentative or inflammatory rhetoric and did not urge voters to vote in a particular manner or to

take other actions in support of or in opposition to the measure; and (3) the information provided and the manner in which it was disseminated were consistent with established practice regarding use of the Web site and regular circulation of the city's official newsletter. Furthermore, we emphasize that the principles that we have applied in this setting are equally applicable without regard to the content of whatever particular ballot measure may be before the voters—whether it be a tax-cutting proposal such as that involved in this case, a “slow-growth” zoning measure restricting the pace of development, a school bond issue providing additional revenue for education, or any other of the diverse local ballot measures that have been considered in California municipalities in recent years. (See, e.g., Cal. Elections Data Archive, Cal. County, City & School District Election Outcomes: 2004 Elections: City Offices and Ballot Measures, City Report, table 1.2, pp. 21-43 <<http://www.csus.edu/isr/isr3.html>> [as of Apr. 20, 2009].) In any of these contexts, a municipality's expenditure of public funds must be consistent with the standard set forth in *Stanson, supra*, 17 Cal.3d 206, 130 Cal.Rptr. 697, 551 P.2d 1.

See also Cal. Gov't Code § 54964(a), (b)(3) (prohibiting local public agency expenditures for activities that expressly advocate the approval or rejection of a clearly identified ballot measure).

²² See 2 Cal. Code Regs. § 18901.1(a)(1) (referring to “tangible item[s] . . . delivered, by any means . . .”).

²³ See 2 Cal. Code Regs. § 18901.1(a)(2)(A).

²⁴ See 2 Cal. Code Regs. § 18901.1(a)(2)(B).

²⁵ See 2 Cal. Code Regs. § 18901.1(c)(2).

²⁶ See 2 Cal. Code Regs. § 18901.1(e).

²⁷ See 2 Cal. Code Regs. § 18901.1.

²⁸ Cal. Gov't Code § 89001.

²⁹ See California Voters Pamphlet, Proposition 9, Legislative Counsel Analysis, (June 4, 1974) (“[This initiative] would prohibit the mailing of legislative newsletters or other mass mailings at public expense by or on behalf of any state officer after he has filed as a candidate for office.”).

³⁰ See 2 Cal. Code Regs. § 18901.1(d) (“For purposes of subdivision (a)(4), an item is “substantially similar” to another item if both items expressly advocate or unambiguously urge the election or defeat of the same candidate or measure.”)

³¹ Cal. Gov't Code § 82013(b), 84200.2 Cal. Code Regs., § 18225(b)(2). See also *Yes on Measure A v. City of Lake Forest*, 60 Cal. App. 4th 620, 625-626 (1997).

³² 2 Cal. Code Regs. § 18225(b) (defining an expenditure as monetary and non-monetary payments used for communications with expressly advocate the qualification, passage or defeat of a clearly identified ballot measure).

³³ See 2 Cal. Code Regs. § 18420.1(a), (c).

³⁴ See 2 Cal. Code Regs. § 18420.1(b).

³⁵ See 2 Cal. Code Regs. § 18420(d).

³⁶ See 2 Cal. Code Regs. § 18420(e).

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- ³⁷ See Cal. Penal Code §§ 72.5(b) (use of public funds to attend a political function to support or oppose a ballot measure); 424 (misappropriation of public funds); 484-87 (theft). See also *People v. Battin*, 77 Cal. App. 3d 635 (1978) (prosecution of county supervisor for engaging campaign activities during county business hours using county facilities), *superseded on other grounds by People v. Conner*, 34 Cal. 3d 141 (1983).
- ³⁸ Cal. Penal Code § 424.
- ³⁹ Cal. Gov't Code § 8314(c)(1).
- ⁴⁰ *Stanson*, 17 Cal. 3d at 226-227 (finding that "public officials must use due care, *i.e.*, reasonable diligence in authorizing the expenditure of public funds, and may be subject to personal liability for improper expenditures made in the absence of due care"). See also *Harvey v. County of Butte*, 203 Cal. App. 3d 714, 719 (1988).
- ⁴¹ See generally *Tenwolde v. County of San Diego*, 14 Cal. App. 4th 1083 (4th Dist. 1993), *rev. denied*.
- ⁴² See *People v. Battin*, 77 Cal. App. 3d at 65 (1978) (Penal Code section 424's "proscription is not limited to the misuse of public funds in a particular monetary amount. Rather it proscribes *any* misuse, no matter how small." [emphasis in original]). See also *People v. Bishop*, A081989 (1st Dist. 2000) (this unpublished opinion follows *People v. Battin* and holds that reimbursement is not a defense). But see *DiQuisto v. County of Santa Clara*, 181 Cal. App. 4th 236 (2010) (majority found that sending an editorial against a ballot measure via email on one's lunch hour constituted advocacy, but involved a minimal use of public resources—note dissenting opinion disagreeing with majority's minimal-use-of-public-resources conclusion).
- ⁴³ Cal. Gov't Code § 84203.5 (requiring independent expenditure reports by committees spending more than \$500 each year in support or opposition to a ballot measure).
- ⁴⁴ See, for example, Cal. Gov't Code §§ 83116, 91001(b), 91000(a), 91001.5, 91002, 91004, 91005, 91012.



Ballot Measures and Public Agencies

Individual Activities

2014 Version

www.ca-ilg.org/ballot-measure-activities

Important policy decisions affecting local agencies in California are made by the electorate through the initiative and referendum process. What role may local agencies and their officials play in the initiative and referendum process?

The following series of questions and answers provide general guidelines and analyses of issues regarding the ballot measure activities of individuals. The purpose of this guide is to provide guidance that represents the Institute's best judgment, based on the law, on how to avoid stepping over the line that divides lawful from unlawful conduct. As a general matter, the Institute believes in not snuggling right up to any such lines, but instead giving them some berth.

It is also important to remember that just because a given course of action may be lawful, it may not satisfy the agency's or the public's notions of what constitutes an appropriate use of public resources. Proper use of public resources is a key stewardship issue for public officials. In determining proper use of public resources, it is important to remember the law creates only minimum standards. In addition, there may be potential political implications of walking too close to the line in terms of the public's overall reaction to a ballot measure and where one wants the public's attention to be focused.

This guide is offered for general information only and is not intended as legal advice. Reasonable attorneys can and do disagree on where the boundaries are on these issues; moreover, the specific facts of the situation are an important element of the analysis. **Always consult an attorney knowledgeable about this area of the law when analyzing what to do in specific situations.**

For more information on legal issues associated with use of public resources and ballot measure activities, see parts 1-3 of this resource available at www.ca-ilg.org/ballot-measure-activities:

- Part 1: General Framework
- Part 2: Before a Measure is Put on the Ballot
- Part 3: Specific Questions

Individual Activities

1. What may individual public officials do to support or oppose ballot measures?

Individual officials and employees can work on the campaign during their personal time, including lunch hours, coffee breaks, vacation days, etc. They can make a campaign contribution to a ballot measure campaign committee using personal funds, and/or pay for and attend a campaign fundraiser during personal time. They can also make campaign appearances during personal time.

2. May I use agency letterhead or my title when communicating my support for a ballot measure?

Restrictions on the use of an agency's seal, logos and letterhead are common.¹ As a general matter, public agency letterhead is a public resource bought and paid for with taxpayer funds. As a result, it should not be used for ballot measure advocacy activities.²

Sometimes campaigns will use a facsimile letterhead that looks like official agency letterhead but is paid for with private funds. If the agency's letterhead is to be used in this manner, the governing body of the agency should approve such use and the letterhead should clearly indicate that it was not paid for with public funds.³ Other Political Reform Act requirements may also apply, for example, placing the name of the committee or candidate on the outside of the envelope.⁴

Using an agency's logo, letterhead or seal with the intent to deceive voters into thinking the communication is from an agency can be a violation of California election law.⁵ California law makes it a misdemeanor to use city seals with the intention of creating an impression that a document is authorized by a public official.⁶

The tradition when using titles ("county supervisor," "mayor," or "council member") is to indicate that the titles are used for identification purposes only. The theory underlying this policy is to be clear that one is not communicating on behalf of the agency.

For more information on this topic, see "Who Gets to Use Agency Seals, Logos, Letterhead and Other Insignia" available at www.ca-ilg.org/AgencySeals_Logos_Letterhead.

3. Can I contribute to the ballot measure campaign from my campaign funds?

Yes. The Fair Political Practices Commission has generally advised that candidates and officeholders may transfer funds from their candidate committees to ballot measure committees.⁷ In general, money raised to support a person's election to office is considered to be held in trust for expenses associated with the election of the candidate or for expenses associated with holding

office.⁸ As such, these funds must be used only for may only be used for political, legislative, or governmental purposes.⁹

Although the Commission hasn't specifically explained why, one theory is because ballot measures are legislative in nature.

Note, however, that special disclosure rules apply to candidate-sponsored ballot measure committees.¹⁰

4. May I fundraise for the measure, so private resources can pay for campaign activities? What about approaching those who do business with my agency for financial support for the campaign?

The answer is generally yes, although with two caveats.

In terms of legal restrictions, one needs to be aware that the restrictions against seeking campaign contributions from those involved in license and permit proceedings also applies to solicitations of contributions to ballot measure campaigns.¹¹ For more information about this restriction, see "Campaign Contributions May Cause Conflicts for Appointees and Commissioners," which is available online at <http://www.fppc.ca.gov/index.php?id=103>. Local agencies may have their own, broader restrictions.

Even under circumstances when the law does not constrain an official's political fund-raising activities (other than requiring disclosure of donors), it is important to be extraordinarily judicious in choosing who to ask for campaign contributions. If an individual or company has matters pending with one's agency, they (and others, including the media and one's fellow candidates) are going to perceive a relationship between the decision and whether they contribute to one's campaign. The unkind characterization for this dynamic is "shake-down."

Two important points to remember:

- The legal restrictions on campaign fund-raising are minimum standards.
 - Public officials who indicate their actions on a matter will be influenced by whether they receive a campaign contribution put themselves at risk of being accused of soliciting a bribe or extortion.
- 5. May we ask staff to support the ballot measure, for example, by asking them to endorse the measure, make campaign contributions or volunteer their time?***

It's not a good idea. California law has a strong tradition of separating the electoral process from decisions relating to public employment.

For this reason, state law forbids elected officials and employees from soliciting campaign funds from employees.¹² (The exception is if the solicitation is made to a significant segment of the public that happens to include agency officers or employees.¹³)

State law also forbids conditioning employment related decisions on supporting a candidate or “other corrupt condition or consideration” which includes urging “individual employee’s action.”¹⁴

Note that there are exceptions to these restrictions if the ballot measure would affect the rate of pay, hours of work, retirement, civil service or other working conditions.¹⁵

6. *May I ask fellow elected and appointed officials to contribute time, endorsements and/or money to the campaign?*

The same state law that prohibits solicitations of campaign contributions from one’s employees’ prohibits solicitations of one’s fellow officials in the same jurisdiction.¹⁶

7. *I generally share my views on ballot measures with my friends and constituents; is it okay to send that out using my public agency email address and the public agency email system?*

Local officials who have used their agency emails for such purposes have faced criticism. In fact one such use led to a lawsuit that went to the California Court of Appeal. Although a divided court ultimately found that sending an editorial against a ballot measure via email on one’s lunch hour constituted advocacy, it involved only a minimal use of public resources.¹⁷

The better practice is to use a personal email address and send such information from a non-public agency computer system.

8. *May I attend a fundraiser for the ballot measure, using public funds to pay for the ticket?*

No. This squarely violates the proscription against using public funds for ballot measure advocacy.

9. *What about if someone gives me one or more tickets to a fundraiser on a ballot measure?*

From time to time a public official will be invited by candidates or ballot measure campaigns to attend political fundraisers. The rule is that a committee or candidate may provide **two tickets** per event to an official without the invited official having to report the value of the ticket on his or her Statement of Economic Interests.¹⁸ If the official receives more than two tickets, the face value of the extra tickets must be reported on his or her Statement of Economic Interests.

10. I have an agency cell phone; what if someone calls me on it to discuss ballot measure campaign activities?

The safest approach is to ask the caller to call you back on a non-agency line.¹⁹

11. May I wear my public agency uniform while expressing my views about a ballot measure?

No, California law specifically prohibits wearing public agency uniforms while participating in political activities.²⁰

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About the Institute for Local Government

The Institute for Local Government is the nonprofit 501(c)(3) research and education affiliate of the League of California Cities and the California State Association of Counties. For more information and to access the Institute's resources on ethics visit www.ca-ilg.org/trust. If you would like to access this resource directly, go to www.ca-ilg.org/ballot-measure-activities.

The Institute welcomes feedback on this resource:

- *Email:* ethicsmailbox@ca-ilg.org Subject: *Legal Issues Associated with Use of Public Resources and Ballot Measure Activities Part 4: Individual Activities*
- *Mail:* 1400 K Street, Suite 205 ▪ Sacramento, CA ▪ 95814

References and Resources

Note: Sections in the California Code are accessible at <http://leginfo.legislature.ca.gov/>. Fair Political Practices Commission regulations are accessible at www.fppc.ca.gov/index.php?id=52. A source for case law information is www.findlaw.com/cacases/ (requires registration).

- ¹ The Institute has collected samples of such policies on its website, available at www.ca-ilg.org/post/sample-policies-related-use-agency-insignia.
- ² See Cal. Penal Code § 424; Cal. Gov't Code § 8314.
- ³ See, for example, San Diego County Water Authority Administrative Code, § 1.08.10(d) ("The official seal and any emblem, symbol, logo or other distinctive mark of the Authority shall be used solely for Authority purposes and programs, unless otherwise authorized by the Board. Private, commercial or non-commercial use of the official seal, mark, name or identity of the Authority is prohibited."). The code is available online at: www.sdcwa.org/about/who-admincode.phtml.
- ⁴ See Cal. Gov't Code § 84305.
- ⁵ Cal. Elect. Code § 18304.
- ⁶ See Cal. Gov't Code §34501.5, which provides:
 - (a) Any person who uses or allows to be used any reproduction or facsimile of the seal of the city in any campaign literature or mass mailing, as defined in Section 82041.5, with intent to deceive the voters, is guilty of a misdemeanor.
 - (b) For purposes of this section, the use of a reproduction or facsimile of a seal in a manner that creates a misleading, erroneous, or false impression that the document is authorized by a public official is evidence of intent to deceive.

Note that a parallel state-wide provision for county and special district seals does not exist, however many have adopted local provisions.

⁷ California Fair Political Practices Commission Advice Letters No. I-00-068 (May 31, 2000) and I-91-153 (April 01, 1991).

⁸ See Cal. Gov't Code § 89510(b).

⁹ Cal. Gov't Code § 89512 (an expenditure of campaign funds must be reasonably related to a legislative or governmental purpose, unless the expenditure confers a substantial personal benefit, in which case such expenditures must be directly related to a political, legislative or governmental purpose). "Substantial personal benefit" means a campaign expenditure which results in a direct personal benefit with a value of more than \$200. Cal. Gov't Code § 89511(b)(3).

¹⁰ 2 Cal. Code Regs. § 18521.5.

¹¹ Cal. Gov't Code § 84308(b).

¹² See Cal. Gov't Code § 3205 (except for those communications to a significant segment of the public that happens to include fellow public officials and employees).

¹³ See Cal. Gov't Code § 3205(c).

¹⁴ See Cal. Gov't Code § 3204, which reads as follows:

No one who holds, or who is seeking election or appointment to, any office or employment in a state or local agency shall, directly or indirectly, use, promise, threaten or attempt to use, any office, authority, or influence, whether then possessed or merely anticipated, to confer upon or secure for any individual person, or to aid or obstruct any individual person in securing, or to prevent any individual person from securing, any position, nomination, confirmation, promotion, or change in compensation or position, within the state or local agency, upon consideration or condition that the vote or political influence or action of such person or another shall be given or used in behalf of, or withheld from, any candidate, officer, or party, or upon any other corrupt condition or consideration. This prohibition shall apply to urging or discouraging the individual employee's action.

¹⁵ See Cal. Gov't Code § 3209 ("Nothing in this chapter prevents an officer or employee of a state or local agency from soliciting or receiving political funds or contributions to promote the passage or defeat of a ballot measure which would affect the rate of pay, hours of work, retirement, civil service, or other working conditions of officers or employees of such state or local agency, except that a state or local agency may prohibit or limit such activities by its employees during their working hours and may prohibit or limit entry into governmental offices for such purposes during working hours.").

¹⁶ See Cal. Gov't Code § 3205 (a) ("An officer or employee of a local agency shall not, directly or indirectly, solicit a political contribution from an officer or employee of that agency, or from a person on an employment list of that agency, with knowledge that the person from whom the contribution is solicited is an officer or employee of that agency.").

¹⁷ See *DiQuisto v. County of Santa Clara*, 181 Cal. App. 4th 236 (2010) (Note dissenting opinion disagreeing with majority's minimal-use-of-public-resources conclusion).

¹⁸ 2 Cal. Code Regs. § 18946.4(c).

- ¹⁹ *See* Cal. Gov't Code § 8314(b)(2) (““Campaign activity" does not include the incidental and minimal use of public resources, such as equipment or office space, for campaign purposes, including the referral of unsolicited political mail, telephone calls, and visitors to private political entities.”).
- ²⁰ *See* Cal. Gov't Code § 3206 (“No officer or employee of a local agency shall participate in political activities of any kind while in uniform.”).



Ballot Measures and Public Agencies

Questions about Specific Activities

2014 Version

www.ca-ilg.org/ballot-measure-activities

Important policy decisions affecting local agencies in California are made by the electorate through the initiative and referendum process. Determining what role local agencies and their officials may play in the initiative and referendum process can be quite complicated.

The following questions and answers provide guidelines and analyses of pertinent issues associated with the use of public resources and ballot measure activities. The purpose of this guide is to provide guidance that represents the Institute's best judgment, based on the law, on how to avoid stepping over the line that divides lawful from unlawful conduct. As a general matter, the Institute believes in not snuggling right up to any such lines, but instead giving them some berth.

It is also important to remember that just because a given course of action may be lawful, it may not satisfy the agency's or the public's notions of what constitutes an appropriate use of public resources. Proper use of public resources is a key stewardship issue for public officials. In determining proper use of public resources, it is important to remember the law creates only minimum standards. In addition, there may be potential political implications of walking too close to the line in terms of the public's overall reaction to a ballot measure and where one wants the public's attention to be focused.

This guide is offered for general information only and is not intended as legal advice. Reasonable attorneys can and do disagree on where the boundaries are on these issues; moreover, the specific facts of the situation are an important element of the analysis. **Always consult an attorney knowledgeable about this area of the law when analyzing what to do in specific situations.**

For more information on legal issues associated with use of public resources and ballot measure activities, see parts 1, 3, and 4 of this resource available at www.ca-ilg.org/ballot-measure-activities:

- Part 1: General Framework
- Part 2: Before a Measure is Put on the Ballot
- Part 4: Activities by Individuals

Questions about Specific Activities

1. The ballot measure my agency is concerned about has serious legal flaws; may my agency use public resources to file suit against the measure?

Yes. An appellate court has held that a local agency may use public resources to make a pre-election legal challenge to a ballot measure.¹

2. May public resources be used for voter registration or get out the vote efforts?

Yes. An appellate court has determined that this is an appropriate use of public resources, as long as the efforts funded with public resources did not involve urging the public to vote one way or another in upcoming elections.²

3. May an agency adopt a resolution supporting or opposing a ballot measure? Are there restrictions on the language that should be used in such resolutions?

Taking a position on a ballot measure in an open and public meeting where all perspectives may be shared is permissible.³ Additionally, California's Elections Code allows agencies to inform the public of its opinion on a measure by submitting written arguments in favor or against ballot measures.⁴

In terms of language, the safest practice is to apply the Supreme Court's standard of language that is "simple, measured and informative," which is language that emphasizes facts and does not use inflammatory language or argumentative rhetoric.⁵ Additional good practice is to not encourage voters to adopt the agency's views or vote one way or another on the measure.⁶

Always consult with agency counsel when taking a position on a measure to ensure that the agency does not step over the line dividing permissible informational activities from impermissible campaign activities.

4. What about expenditures for writing a report on a ballot measure or submitting an argument for or against a measure for the ballot pamphlet?

Prior to certification of the measure for the ballot, California's Elections Code allows for cities and counties to refer the measure to any city or county agency to report on the impact of the measure on a variety of issues.⁷ After certification, the city or county must adopt the measure without amendment, submit the measure for vote of the electorate, or refer the measure for report on various impacts.⁸

As stated above, the California Elections Code also allows local agencies inform the public of its opinion on a measure by submitting written arguments in favor or against ballot measures.⁹

Both for reports and submitted arguments, it is a good idea to offer an objective, measured analysis of the issue and consider both sides of the argument when formulating and presenting the agency's position. Although stating the agency's position is allowed, the agency must be wary not to engage in activities that could be seen as *campaigning* for or against the measure.¹⁰

5. *May an agency provide links on its website to other organizations' campaign materials on a ballot measure?*

Linking to just one side of the debate on a ballot measure would be impermissible campaigning.¹¹

Providing links to both sides (pro and con) may also be risky.¹² Current case law allows an agency to reserve its website or other communications vehicles to communicating the agency's *own* information.¹³ A concern is that once an agency starts using its site to communicate *others'* information, including that with which it may disagree, the agency may undermine its prerogatives to exclude content.¹⁴

For that reason, the safest approach under both First Amendment principles and use-of-public-resources principles is not to include links to campaign websites. An agency may, however, link to nonpartisan analyses of ballot measures, such as those offered on a statewide basis by the Legislative Analyst's Office, Attorney General and the League of Women Voters' Easy Voter Guide (the latter organization also offers nonpartisan video overviews of ballot measures in English and Spanish via their YouTube channel).

6. *What about using public property for press conferences and rallies relating to ballot measures?*

The key question is the nature of the property. Certain kinds of public property, like streets, sidewalks and parks, have been traditionally open to public assembly and debate.¹⁵ The notion is that everyone can use such spaces and public agencies cannot restrict access to them based on the point of view that will be expressed.¹⁶ Because everyone has access to such spaces and no one can be excluded based on their views, using such spaces for press conference and rallies does not pose a risk of distorting the debate on a ballot measure¹⁷ or undermining the fairness of the election.¹⁸

There are other kinds of public property that are not places that are by tradition or designation a forum for members of the public to communicate with each other.¹⁹ The insides of public buildings tend to fall into this category. The notion is that rallies and press conferences will disrupt the orderly provision of public services in such places.

The basic rule is evenhandedness. If it would be disruptive for some or all perspectives to use a particular place for press conferences and rallies, then no one should be allowed to use those places for those purposes.²⁰

7. *What about using other agency communications channels (for example, email or intra-office mail systems) to communicate the agency's (or public official's) views on a ballot measure?*

The safest approach is *not* to use systems that have been developed with public resources to disseminate campaign materials. This sends a clear message to employees, public officials and others that such systems are not for personal or political use. With respect to intra-net or internal mail systems, restricting such use also avoids putting the public agency in the position of making decisions based on the viewpoint being expressed.²¹

That being said, it should be acknowledged that there is a court of appeal decision in which the majority of justices found that one email sent on a local official's lunch hour transmitting an editorial in favor of one side of an election issue did not constitute a punishable violation of the law.²² The result turned on the majority's conclusion that the action constituted a minimal use of public resources—a conclusion with which the dissenting justice disagreed.

8. *What guidelines should an agency follow with respect to communications relating to public access channel television coverage of the ballot measure? For example, what if either the agency or the League of Women Voters wants to produce a program presenting the views of both proponents and opponents to a ballot measure to help educate the community?*

Generally speaking, the courts distinguish between situations in which public agencies have allowed “general access” to the broadcasting facilities as opposed to allowing “selective access.”²³

If a public agency makes the channel generally available to either all speakers or certain classes of speakers, then the channel is what First Amendment attorneys call a “designated public forum.”²⁴ If the channel falls into this category, the safest approach is generally to treat political programming no differently from any other programming on the public access channel. This would comply with First Amendment protections against discriminating against certain kinds of speech,²⁵ as well as the reasoning in Cable TV Access Channel Rules.²⁶

On the specific issue of debates, the courts have indicated that using public resources for public forums at which all may appear and freely express their views pro and con are not improper; similarly, reasonable expenses for radio and television debates between proponents of the differing sides of the proposition would also be okay.²⁷ The courts have recognized some latitude for those who organize debates to create *viewpoint neutral* criteria to determine who will participate.²⁸

Even so, to avoid arguments over who would be the best representative for each side of the debate, it may be preferable to have an organization that does not have a position on a ballot measure organize the debate or to let each side of a ballot measure select its representative.

Having a viewpoint-neutral group like League of Women Voters organize the debate (as opposed to the local agency that has taken a position on the matter being debated) can also avoid second-guessing about the motivations underlying who was selected to participate.

- 9. *Our staff is sensitive to the issue of not appearing to advocate on ballot measures. Sometimes, however, when we have presented the facts as we understand them or believe them to be, we find that those who disagree with our agency's view of the facts will try to engage staff in a debate. If we respond, we worry we look like we are going beyond our informational role (and potentially being set up to look like we are advocating instead of informing).***

A possible response to suggest staff give in such situations is:

“We are offering this information based on our research and analysis of this issue. If others have research and analysis they want to offer, they should make it available so the public can evaluate all available information, as well as the research and analysis on which the information is based. My role here as a representative of our agency is not to debate, but to provide the information our agency has on this topic.”

It may also be helpful to remind staff that, when in doubt about how to respond in a particular situation, staff may want to keep in mind the option of referring questions or issues to others in the organization. If an issue comes up relating to what the agency has done on a ballot measure, a good practice is for all staff who may receive inquiries to know to whom in the agency such inquiries should be referred.

- 10. *Proposition 218 creates special procedures for the approval of assessments and certain kinds of fees. To what extent do the restrictions on campaign communications apply to agency communications relating to Proposition 218 proceedings?***

No court has squarely addressed this issue, but the prevailing view is that an agency is well-advised to conform its communications that relate to Proposition 218 proceedings to the same standards as it adheres to in typical elections.²⁹ This includes the advisability of communications early on that are even-toned and based on solid analytics about the need to either impose or increase a revenue source that is subject to Proposition 218's procedures. Such communications create a basis for supplemental (and still even-toned) information later on, should questions or arguably inaccurate information creep into discussions about the merits of the measure closer to the decision point.

Thanks to Our Supporters

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The Institute for Local Government receives funding from a variety of sources. Its public service ethics program relies on support from private donations like the ones acknowledged above, as well as publications sales and training fees to produce resources to assist local officials in their service to their communities.

About the Institute for Local Government

The Institute for Local Government is the nonprofit 501(c)(3) research and education affiliate of the League of California Cities and the California State Association of Counties. For more information and to access the Institute's resources on ethics visit www.ca-ilg.org/trust. If you would like to access this resource directly, go to www.ca-ilg.org/ballot-measure-activities.

The Institute welcomes feedback on this resource:

- *Email:* ethicsmailbox@ca-ilg.org Subject: *Legal Issues Associated with Use of Public Resources and Ballot Measure Activities Part 2: Specific Questions*
- *Mail:* 1400 K Street, Suite 205 ▪ Sacramento, CA ▪ 95814

References and Resources

Note: Sections in the California Code are accessible at <http://leginfo.legislature.ca.gov/>. Fair Political Practices Commission regulations are accessible at www.fppc.ca.gov/index.php?id=52. A source for case law information is www.findlaw.com/cacases/ (requires registration).

¹ *Yes on Measure A v. City of Lake Forest*, 60 Cal. App. 4th 620,625-626 (1997).

² *Schroeder v. Irvine City Council*, 97 Cal. App. 4th 174, 187-88 (2002).

³ *Vargas v. City of Salinas*, 46 Cal. 4th 1, 35-37 (2009). *See also Choice-In-Education League v. Los Angeles Unified Sch. Dist.*, 17 Cal. App. 4th 415, 429-30 (1993).

⁴ Cal. Elect. Code §§ 9282(a),(b) (for city measures placed on the ballot by petition, the legislative body may submit an argument against the ordinance, for city measures placed on the ballot by the legislative body the body may file a written argument for or against a measure), 9162(a) (for county measures, the board of supervisors may file a written argument for or against any county measure), 9315 (for district elections, the district board may file an argument against an ordinance), 9501(a) (for school district elections, the governing board of the district may file a written argument for or against any school measure).

⁵ *Vargas*, 46 Cal. 4th at 34, 40; (compare with the tone of the newsletter described in footnote 20).

⁶ *Vargas*, 46 Cal. 4th at 40. *See also* Cal. Gov't Code § 54964(a), (b)(3) (prohibiting local public agency expenditures for activities that expressly advocate the approval or rejection of a clearly identified ballot measure).

⁷ *See* Cal. Elect. Code §§ 9111, 9212.

⁸ *See* Cal. Elect. Code §§ 9116, 9118, 9215, 9216.

⁹ Cal. Elect. Code §§ 9282(a),(b) (for city measures placed on the ballot by petition, the legislative body may submit an argument against the ordinance, for city measures placed on the ballot by the legislative body the body may file a written argument for or against the measure), 9162(a) (for county measures, the board of supervisors may file a written argument for or against any county measure), 9315 (for district elections, the district board may file an argument against an ordinance), 9501(a) (for school district elections, the governing board of the district may file a written argument for or against any school measure).

¹⁰ *See Vargas*, 46 Cal. 4th at 36-37.

¹¹ *See Vargas*, 46 Cal. 4th at 24 (observing that “. . . the dissemination, at public expense, of campaign literature prepared by private proponents or opponents of a ballot measure” “unquestionably constitutes improper campaign activity” citing *Stanson*).

¹² Strictly speaking, the state law that prohibits using public resources (including equipment and compensated time, *see* Cal. Gov't Code § 8314(b)(3)) for campaign purposes excludes from the prohibition referrals of visitors to private political entities. *See* Cal. Gov't Code § 8314(b)(2) (““Campaign activity” does not include the incidental and minimal use of public resources, such as equipment or office space, for campaign purposes, including the referral of unsolicited political mail, telephone calls, and visitors to private political entities.”) Thus, an argument exists that links to campaign resources on a website fall within this exception to the prohibition.

Does this exception satisfy *Stanson*'s requirement that any use of public resources for campaign purposes be “clearly and unmistakably authorized?” One might think so, but as the *Vargas* decision illustrated, courts can find that statutory language that limits the scope of a prohibition does not constitute a clear and unmistakable authorization. *See Vargas*, 46 Cal. 4th at 29-30. The *Vargas* court also noted that even where there are explicit authorizations, such authorizations can present serious constitutional questions. *Id* at 29. Although the “reference to private political entities” would represent a fairly limited authorization, it's not clear how the courts would evaluate this issue.

¹³ *See Vargas*, 46 Cal. 4th at 37 n. 18 (finding city had no obligation to provide those with a different point of view access to the city's website), *citing United States v. Am. Library Ass'n, Inc.*, 539 U.S. 194, 204-206 (2003); *Ark. Educ. TV. v. Forbes*, 523 U.S. 666, 673-677 (1998); *Cornelius v. NAACP Legal Defense & Ed. Fund*, 473 U.S. 788 (1985); *Perry Ed. Ass'n v. Perry Local Educators' Ass'n*, 460 U.S. 37, 46 (1983); *Clark v. Burleigh*, 4 Cal.4th 474, 482-491 (1992)) *See also Sutcliffe v. Epping Sch. Dist.*, 584 F.3d 314, (1st Cir 2009) (noting that it is possible there may be cases in which a government entity might open its website to private speech in such a way

that its decisions on which links to allow on its website would be more aptly analyzed as government regulation of private speech); *Hogan v. Twp. of Haddon*, 278 Fed.Appx. 98, 101-02 (3d Cir 2008) (rejecting elected official's claim that she had a First Amendment right to publish articles in the town newsletter and to post on the town's website and cable channel because these communications vehicles were local government-owned and sponsored, and as such are not public or limited public forums); *Page v. Lexington County Sch. Dist. One*, 531 F.3d 275, 285-85 (4th Cir. 2008) (rejecting claims that links to other websites did not vitiate school district's retention of complete control over its website or create a limited public forum, but noting that had a linked website somehow transformed the website into a type of "chat room" or "bulletin board" in which private viewers could express opinions or post information, the issue would, of course, be different).

¹⁴ See also *Sutcliffe v. Epping Sch. Dist.*, 584 F.3d 314, 329-332 (1st Cir. 2009), citing *Pleasant Grove City, Utah v. Sumnum*, 555 U.S. 460, 129 S.Ct. 1125 (2009); *Ampex Corp. v. Cargle*, 128 Cal. App. 4th 1569, 1576 (2005); *Computer Xpress, Inc. v. Johnson*, 93 Cal. App. 4th 993, 1009 (2001) (websites with chat rooms are public forums).

¹⁵ *Preminger v. Peake*, 552 F.3d 757, 765 (9th Cir 2008).

¹⁶ *Police Dep't of the City of Chicago v. Mosley*, 408 U.S. 92, 97, 92 S. Ct. 2286, 33 L. Ed. 2d 212 (1972); *Wirta v. Alameda Contra Costa County Transit Dist.*, 68 Cal. 2d 51, 64 Cal. Rptr. 430 (1967).

¹⁷ See *Vargas*, 46 Cal. 4th at 31-32.

¹⁸ *Vargas*, 46 Cal. 4th at 36-37.

¹⁹ *Preminger v. Peake*, 552 F.3d 757, 765 (9th Cir 2008).

²⁰ See generally *San Leandro Teachers Ass'n v. Governing Bd. of San Leandro School Dist.*, 46 Cal. 4th 822, 839 (2009) (noting that, even for nonpublic fora, the government may only impose *reasonable* regulations and the regulation must not relate to disagreement with the speaker's view), citing *Clark v. Burleigh*, 4 Cal. 4th 474, 483 (1993).

²¹ See *Perry Educ. Ass'n v. Perry Local Educators Ass'n*, 460 U.S. 37, 45 (1983) (noting that, in addition to viewpoint neutral, time, place and manner restrictions, public agencies may reserve communication forums for their intended purposes, as long as restrictions are reasonable and are not based on a speaker's views). See also *San Leandro*, 46 Cal. 4th 822 (upholding school district's decision to prohibit use of teacher mailboxes for one-sided political endorsements against challenges under federal and state constitutional protections for free expression).

²² See *DiQuisto v. County of Santa Clara*, 181 Cal. App. 4th 236 (2010) (majority found that sending an editorial against a ballot measure via email on one's lunch hour constituted advocacy, but involved a minimal use of public resources—note dissenting opinion disagreeing with majority's minimal-use-of-public-resources conclusion).

²³ See *Ark. Educ. Television Comm'n v. Forbes*, 523 U.S. 666, 678-82 (1998) (finding that a state public broadcasting entity could, consistent with First Amendment principles, broadcast a debate and use criteria for determining who may participate that are reasonable and do not discriminate based on the speaker's views).

²⁴ See *Ark. Educ. Television Comm'n*, 523 U.S. at 678-79.

²⁵ See *McIntyre v. Ohio Elections Comm'n*, 514 U.S. 334, 347 (1995) (noting that when a governmental regulation restricts core political speech like election speech, the courts apply "exacting scrutiny" to assure that the

restriction is narrowly tailored to uphold an overriding state (public) interest). *See also ACLU v. FCC*, 523 F.2d 1344 (9th Cir. 1975) (noting public access channels must be open to non-discriminatory, first come first served access).

²⁶ 83 F.C.C.2d 147 (1980). (Note, however, that the FCC fairness doctrine rules do not apply to PEG channels, only cable providers (e.g. Time Warner Cable, Comcast etc.).

²⁷ *See Choice-In-Education League v. Los Angeles Unified Sch. Dist.*, 17 Cal. App. 4th 415, 429-30 (1993).

²⁸ *See Ark. Educ. Television Comm'n*, 523 U.S. at 678-83 (upholding candidate's exclusion from debate on the grounds that his candidacy had attracted "no appreciable public interest" and hence the exclusion was based on the candidate's status rather than his views).

²⁹ Government Code 53753(e)(6) states that a "majority protest proceeding" (for assessments) "shall not constitute an election or voting for purposes of Article II of the California Constitution or of the Elections Code." This appears to be a limited exception, since Elections Code 4000 treats Proposition 218 elections (for both assessments and fees) as an "election" for the purposes of all-mail ballot proceedings. Note too that the original basis for the rule from the *Mines* case "that the electors of the city who opposed the bond issue "had an equal right to and interest in the [public] funds . . . as those who favored said bonds," seems to apply to any "measure" that has two sides - one "yes" and the other "no." *See Mines v. Del Valle*, 201 Cal. 273, 287 (1927).



BOARD MEETING AGENDA SUBMITTAL

TO: GCSB Board of Directors

FROM: Pete Kampa, General Manager

DATE: March 9, 2021

SUBJECT: Agenda Item 6A. Consideration and Board Direction Regarding the District's Position on Requiring Annexation of the Long Gulch Development Project and Related Connection to the District Water and/or Sewer Systems

RECOMMENDED ACTION:

Provide direction to staff regarding whether our current response to the Long Gulch application is supported by the Board, should be modified, or rescinded.

BACKGROUND:

The district is authorized by LAFCO to provide water, sewer, fire and park services within our established boundaries and to adopt rules and regulations related to access and use of those services. Our ordinances, policies and regulations can only apply to those properties located within our boundaries and to those properties outside of our boundaries authorized by LAFCO to receive services from the district. Also, any properties located outside of our boundaries are required to go through the annexation process through LAFCO to receive our services. Typically we cannot require annexation of a property if they are not requesting service and their project meets the development requirements of the County.

When the County receives an application for a subdivision of land or other projects that may affect our services, we will receive a stakeholder notification early on in the County planning process. This notification occurs even when the project is located outside of the district boundaries but close enough to us that our services may be considered to be extended. The state and County land use policies and laws much prefer connection to public water systems over the creation up additional separate water providing entities. In fact the state water resources Control Board will require those that apply to create a new public water system to conduct engineering studies and seek feedback from adjacent public service providers to determine if service is available from existing systems, before they will approve a new system.

In addition, the County has experienced bouts of problems with individual groundwater wells occasionally during times of extended drought, which have resulted in the need to extend public water mains and connect properties to the public water system in lieu of their individual wells. That's not to say that individual wells cannot perform in providing water supply to an individual parcel. However, when multiple parcels are proposed in a relatively confined area the cumulative affect of multiple groundwater wells drawing from potentially common bedrock fractures, is a major concern in our region of the state. Solid land use planning practices and the county's policies require that new development, such as land subdivisions located adjacent to public water systems

first evaluate the opportunity and feasibility of connection to the public system before proceeding with entitling the properties on individual private wells and septic systems.

Also, another anomaly we have seen with our services, is the demand for fire services increasing outside of the district boundaries as there is a lack of a County Fire station in the area to respond. For example if a residential subdivision is approved adjacent to the district boundaries, the district will be the first-in fire an emergency responder to these new parcels, without the ability to levy (property related) fees, charges, taxes, or receive any portion of the County wide property taxes to provide services to these properties.

In the case of the currently proposed 19 lot Long Gulch subdivision, as depicted in the county project documentation and on the site map included with this agenda item, the project is located directly adjacent to the district boundaries, within its sphere of influence, and adjacent to the water system of the district. In addition, the seven parcels of the Airport Estates subdivision are in the process of annexation into the District boundaries.

In February of 2020, the project developer had submitted an application to the County to create this subdivision and connect to the public water system of GCSD. Our response to that application is included with this agenda item. Recently the project developer submitted a revised application for the same subdivision, but proposing to not connect to the GCSD water system and receiving water instead from individual private wells. For our discussion and your decision today is direction on whether our response to the subdivision application as submitted last month is acceptable; which seeks that the county's approval of the subdivision be conditioned on the project applicant annexing to the district and extending public water service.

Public sewer service should also be evaluated based on the number of parcels and the soil conditions, in conjunction with potential land use plans of adjacent parcels. It certainly would not make land use planning sense to approve this subdivision with private septic systems, only to then approve additional adjacent development also on septic systems. A more troubling scenario would be future development on land adjacent to this project that required public sewer service due to the type and density of the development. This would result in a hop-scotch sewer/septic area. As is well known, the cost for sewer system construction is very expensive and is only cost effective when the benefiting number of parcels is large enough to appropriately spread the cost.

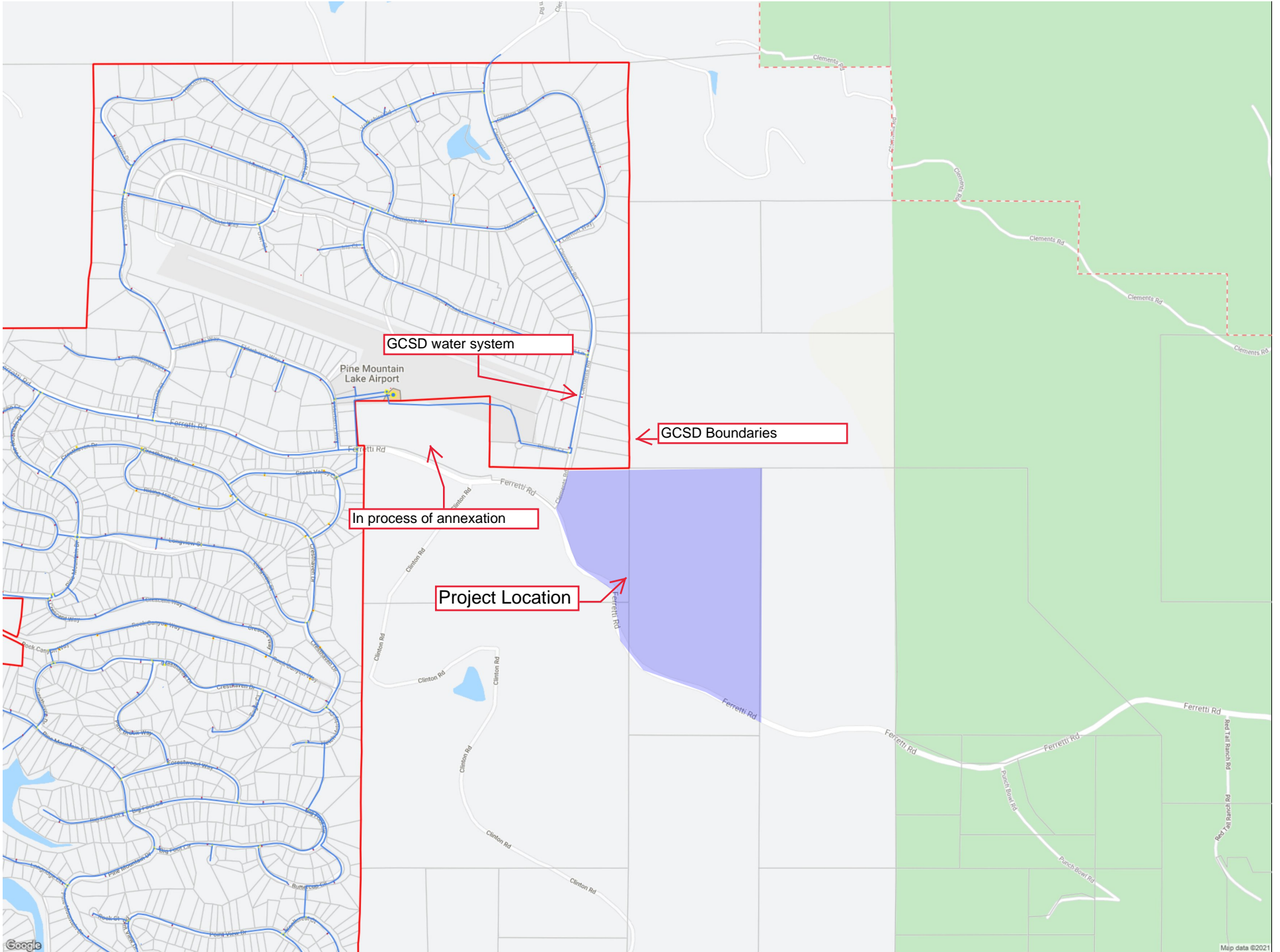
Obviously, the district has had enough discussion about providing fire services outside of its boundaries, that annexation of these parcels is a logical recommendation to the County. If the board agrees, we can either take a position in opposition of the project as planned, and/or strongly recommend that the County condition project approval on annexation of the properties.

ATTACHMENTS:

- County Stakeholder Notification and GCSD staff response from the initial application February 2020, and revised application February 2021
- Project Location and GCSD boundaries site map

FINANCIAL IMPACT:

There is no fiscal impact to GCSD associated with this Board action.



GCSD water system

Pine Mountain Lake Airport

GCSD Boundaries

In process of annexation

Project Location



COMMUNITY DEVELOPMENT DEPARTMENT

Quincy Yaley, AICP
Director

Land Use and Natural Resources – Housing and Community Programs – Environmental Health – Building and Safety – Code Compliance

Date: February 4, 2021
To: Interested Stakeholder
From: Tuolumne County Community Development Department
RE: REVISED APPLICATION
Long Gulch Ranch General Plan Amendment GPA20-001, Zone Change RZ20-002,
and Tentative Subdivision Map TSM20-002
Assessor's Parcel Number: 066-160-085

48 Yaney Avenue, Sonora
Mailing: 2 S. Green Street
Sonora, CA 95370
(209) 533-5633
(209) 533-5616 (Fax)
(209) 533-5909 (Fax – EHD)
www.tuolumnecounty.ca.gov

The Community Development Department thanks you for your participation in the land development process in Tuolumne County. We value your comments and look forward to your continued participation in our planning process. This process provides information on your requirements and concerns to the applicant early in the review process. Involvement on your part can eliminate or minimize problems that could arise later.

We have received a **revised** application from Long Gulch Ranch for the following:

1. General Plan Amendment GPA20-001 to change the General Plan land use designation of a 78.8± acre parcel from RR (Rural Residential) to HR (Homestead Residential).
2. Zone Change RZ20-002 to rezone a 78.8± acre parcel from AE-37:AIR (Exclusive Agricultural, Thirty-Seven Acre Minimum: Airport Combining) to RE-3:AIR (Residential Estate, Three Acre Minimum: Airport Combining) under Title 17 of the Tuolumne County Ordinance Code.
3. Tentative Subdivision Map TSM20-002 to divide a 78.8± acre parcel into 19 residential lots ranging in size from 3.0± acres to 12.5± acres.

Location: The project site is located east of the intersection of Ferretti Road and Clements Road in the community of Groveland. The project site is within a portion of Section 13, Township 1 South, Range 16 East, Mount Diablo Baseline and Meridian, and within Supervisorial District 4. Assessor's Parcel Number 066-160-085.

Access: Ferretti Road and Clements Road

Sewage Disposal Method: Private Sewage Disposal System

Water Source: **Private Wells**

Fire Hazard Rating: Very High

Additional Information:

1. The original Stakeholder Notification sent on February 26, 2020 indicated that the project would connect to GCSO for public water. The application has been revised to include the provision for on-site wells as the water supply. Sewage disposal will

be provided via private sewage disposal system, as was indicated on the initial Stakeholder Notification letter.

2. Proposed Lots 1 through 11 will be access via Ferretti Road and Clements Road and proposed Lots 12 through 19 will be accessed via a new internal road.

Please return your comments by Friday, February 26, 2021. Please note that email is the preferred method of communication due to staff working remote.

Staff Contact: Natalie Rizzi
(209) 533-5936; nrizzi@co.tuolumne.ca.us

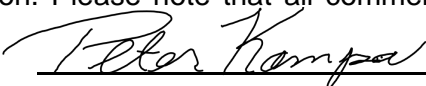
AGENCY: Groveland Community Services District

COMMENTS: _____

The comments submitted by the Groveland Community Services District (GCSD) on this project's prior application dated 3/11/2020, attached, are still applicable to this revised application. There does not appear to have been any changes to the project, other than to propose the use of private wells versus connection to the District system. Although the project is not within the GCSD boundaries, it is within its Sphere of Influence and located directly adjacent to the existing GCSD water system and boundaries; therefore connection should be required as a condition of approval of the project. From the perspective of fire protection services provided by GCSD, the project is located in the response area of the Tuolumne County Fire Department, but the GCSD fire department will be the closest available resource to the project and expected to respond to calls at its location. As the closest emergency response agency with resources to respond to the project location, annexation to the GCSD boundaries is responsible planning. It is also critically important that the newly created parcels be served by a system of fire hydrants, which can only be reasonably accomplished by connection to the GCSD public water system.

It is recommended that the project applicant prepare and submit a GCSD service application to determine water and/or sewer service feasibility and identify any main extensions or construction required for the purpose of evaluation in the CEQA process.

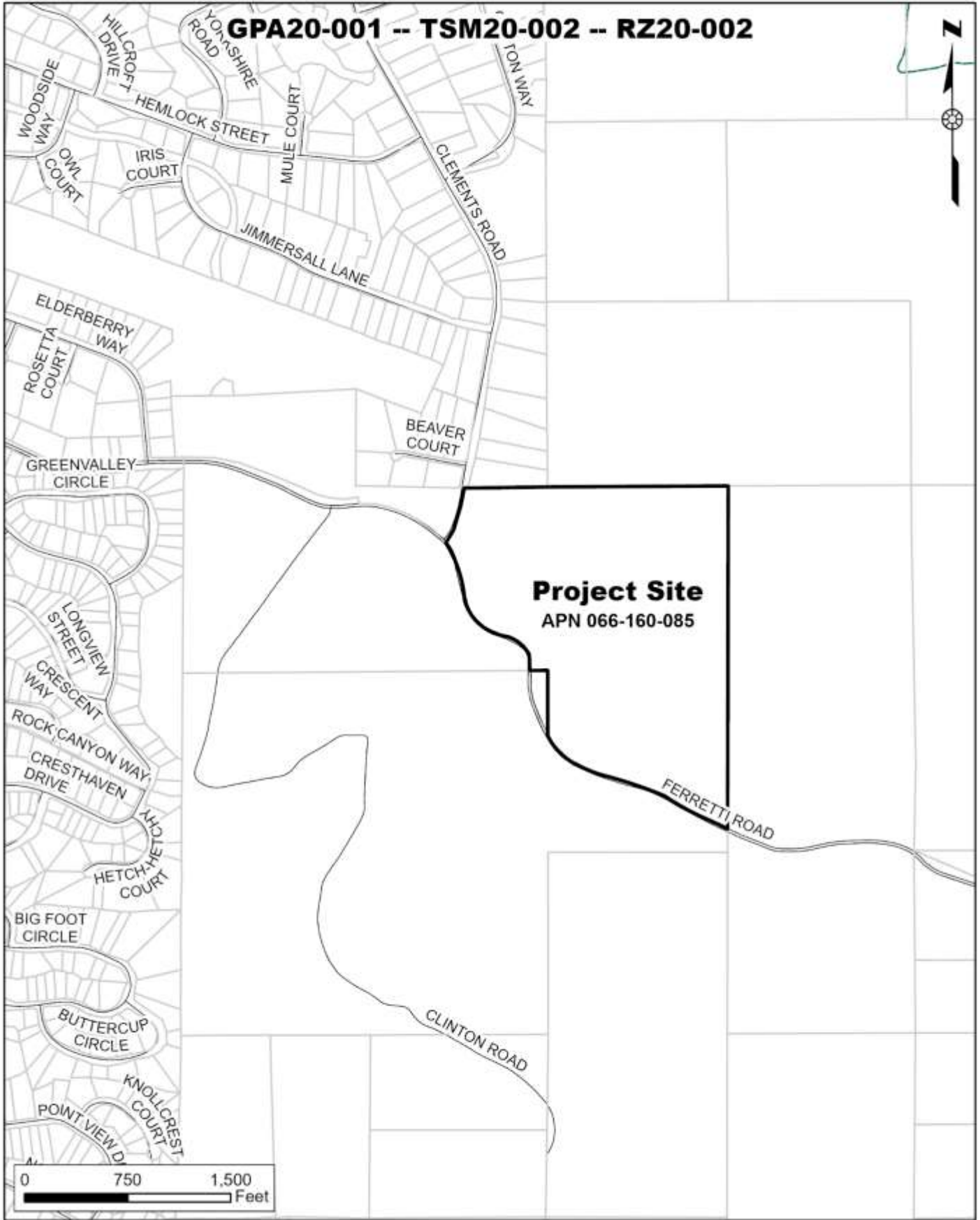
All property owners within 1000 feet of the proposed project and agencies/organizations will be notified of future public hearings. Property owners do not need to request future notification. Please note that all comments received are included in the public record for the project.



Signed by:

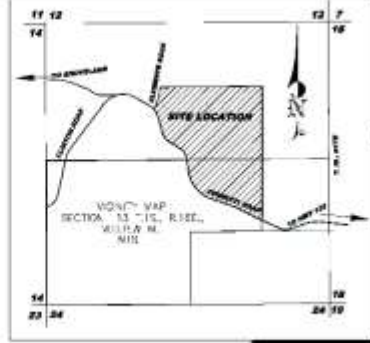
Agency: Groveland Community Services District

Date: 2-26-2021



NOTES:
 1. APN 066-150-065
 2. LEGAL DESCRIPTION: PARCEL 3 OF PM 59-32
 3. OWNER: LONG GULCH RANCH ATTN: BRIAN FITZGERALD
 4830 DALEWOOD DR
 EL DORADO HILLS CA 95762
 4. ZONING: GENERAL PLAN
 DUNELM 18.3.1 AN HR
 PROPOSED: R16E MDR
 5. WATER, WELLS, SEWER, SEPTIC
 6. SCHOOL DISTRICT: BOFOLSO

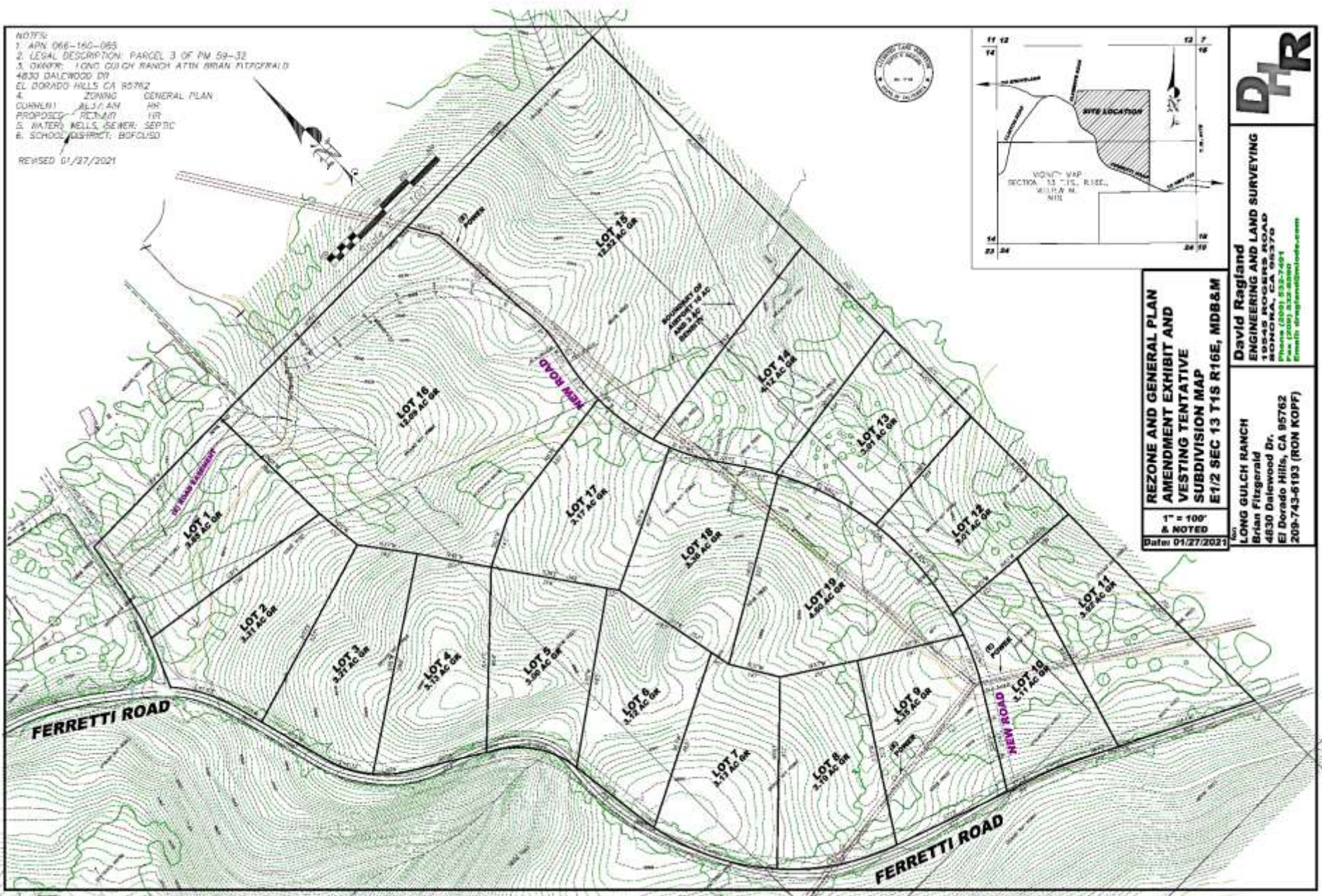
REVISED 01/27/2021



David Ragland
 ENGINEERING AND LAND SURVEYING
 10000 WOODLAND ROAD
 BOSTONIA, CA 95770
 Phone: (909) 932-7491
 Fax: (909) 932-7492
 Website: davidragland.com

**REZONE AND GENERAL PLAN
 AMENDMENT EXHIBIT AND
 VESTING TENTATIVE
 SUBDIVISION MAP**
 E1/2 SEC 13 T1S R16E, MDB&M
 1" = 100'
 & NOTED
 Date: 01/27/2021

FOR
LONG GULCH RANCH
 Brian Fitzgerald
 4830 Dalewood Dr.
 El Dorado Hills, CA 95762
 209-743-6193 (RON KOPF)





COMMUNITY DEVELOPMENT DEPARTMENT

Quincy Yaley, AICP
Director

Land Use and Natural Resources – Housing and Community Programs – Environmental Health – Building and Safety – Code Compliance

RECEIVED
MAR 09 2020

48 Yaney Avenue, Sonora
Mailing: 2 S. Green Street
Sonora, CA 9537
(209) 533-563
(209) 533-5616 (Fax)
(209) 533-5909 (Fax – EHI)
www.tuolumnecounty.ca.gov

Date: February 26, 2020
To: Interested Stakeholder
From: Tuolumne County Community Development Department
RE: Long Gulch Ranch General Plan Amendment GPA20-001, Zone Change RZ20-002,
and Tentative Subdivision Map TSM20-002
Assessor's Parcel Number: 066-160-085

BY:

The Community Development Department thanks you for your participation in the land development process in Tuolumne County. We value your comments and look forward to your continued participation in our planning process. This process provides information on your requirements and concerns to the applicant early in the review process. Involvement on your part can eliminate or minimize problems that could arise later.

We have received an application from Long Gulch Ranch for the following:

1. General Plan Amendment GPA20-001 to change the General Plan land use designation of a 78.8± acre parcel from RR (Rural Residential) to HR (Homestead Residential).
2. Zone Change RZ20-002 to rezone a 78.8± acre parcel from AE-37:AIR (Exclusive Agricultural, Thirty-Seven Acre Minimum:Airport Combining) to RE-3:AIR (Residential Estate, Three Acre Minimum:Airport Combining) under Title 17 of the Tuolumne County Ordinance Code.
3. Tentative Subdivision Map TSM20-002 to divide a 78.8± acre parcel into 19 residential lots ranging in size from 3.0± acres to 12.5± acres.

This project is being processed under California Senate Bill 330 (SB 330). For more information on SB 330 and vesting opportunities, please visit the following link:
https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201920200SB330

LOCATION: The project site is located southeast of the intersection of Ferretti Road and Clements Road, in the community of Groveland. The project site is within a portion of Section 13, Township 1 South, Range 16 East, Mount Diablo Baseline and Meridian, and within Supervisorial District 4. Assessor's Parcel Number 066-160-085.

Access: Ferretti Road and Clements Road Cul-de-Sac: No

Sewage Disposal Method: Private Sewage Disposal System

Water Source: GCSD Fire Hazard Rating: Very High

Additional Information:

1. Proposed Lots 1 through 11 will be access via Ferretti Road and Clements Road and proposed Lots 12 through 19 will be accessed via a new internal road.

2. The project is proposed to be served via public water and private sewage disposal systems.

In accordance with Section 15063(g) and 15044 of the "State EIR Guidelines" as adopted by Tuolumne County, we are offering you the opportunity to comment this project. Please complete the following and return no later than **Monday, March 23, 2019**.

Staff Contact: Natalie Rizzi
(209) 533-5936
nrizzi@co.tuolumne.ca.us

AGENCY: Groveland Community Services District

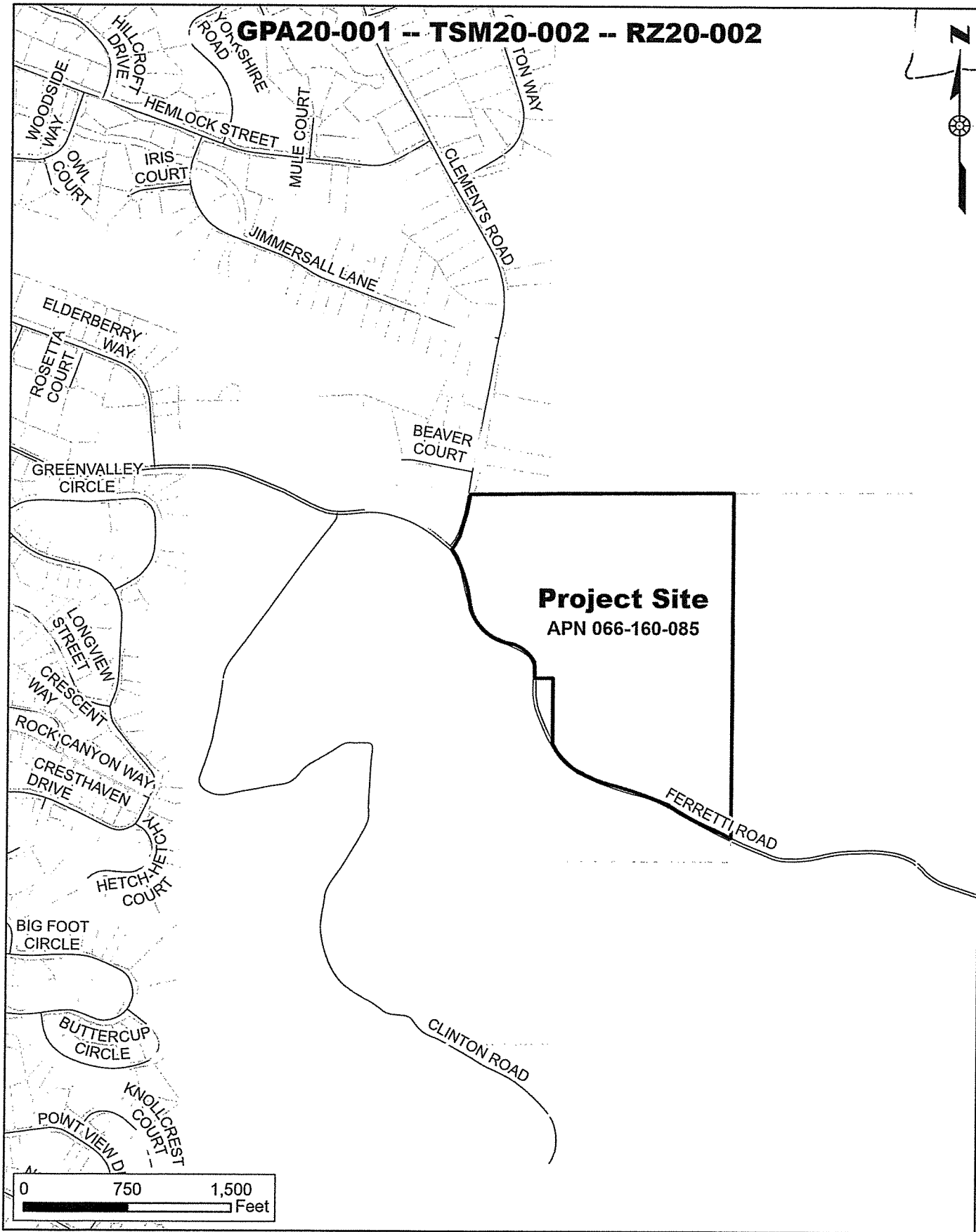
COMMENTS: GCSD is the provider of water, sewer, fire and park services for the projected development plan. Prior to service being approved by the District, the applicant will be required to submit an application for service/main extensions and if service is determined feasible, enter into a services agreement(s) which must be approved by the District Board of Directors. The District will require annexation of the property to receive services, therefore the applicant will need to enter into an annexation agreement with the District prior to a commitment of services to the project. The agreements with the District will specify the terms and conditions of infrastructure extensions and administrative requirements for services provided by the District. For the District to enter into annexation and infrastructure agreements, the environmental document must evaluate any and all impacts to the services provided by the District, including water, sewer, fire protection/emergency response and parks. The District adopts improvement standards which shall be considered in the county's evaluation of the project and to which improvements are to be completed and service impacts mitigated by the applicant. The project approval conditions must require compliance with all district standards, ordinances and policies with regards to the provisions of services to the project. We look forward to participating in the process and request notice of hearings and copies of all environmental documents, permits and related agreements.

All property owners within 1000 feet of the proposed project and agencies/organizations will be notified of future public hearings. Property owners do not need to request future notification.

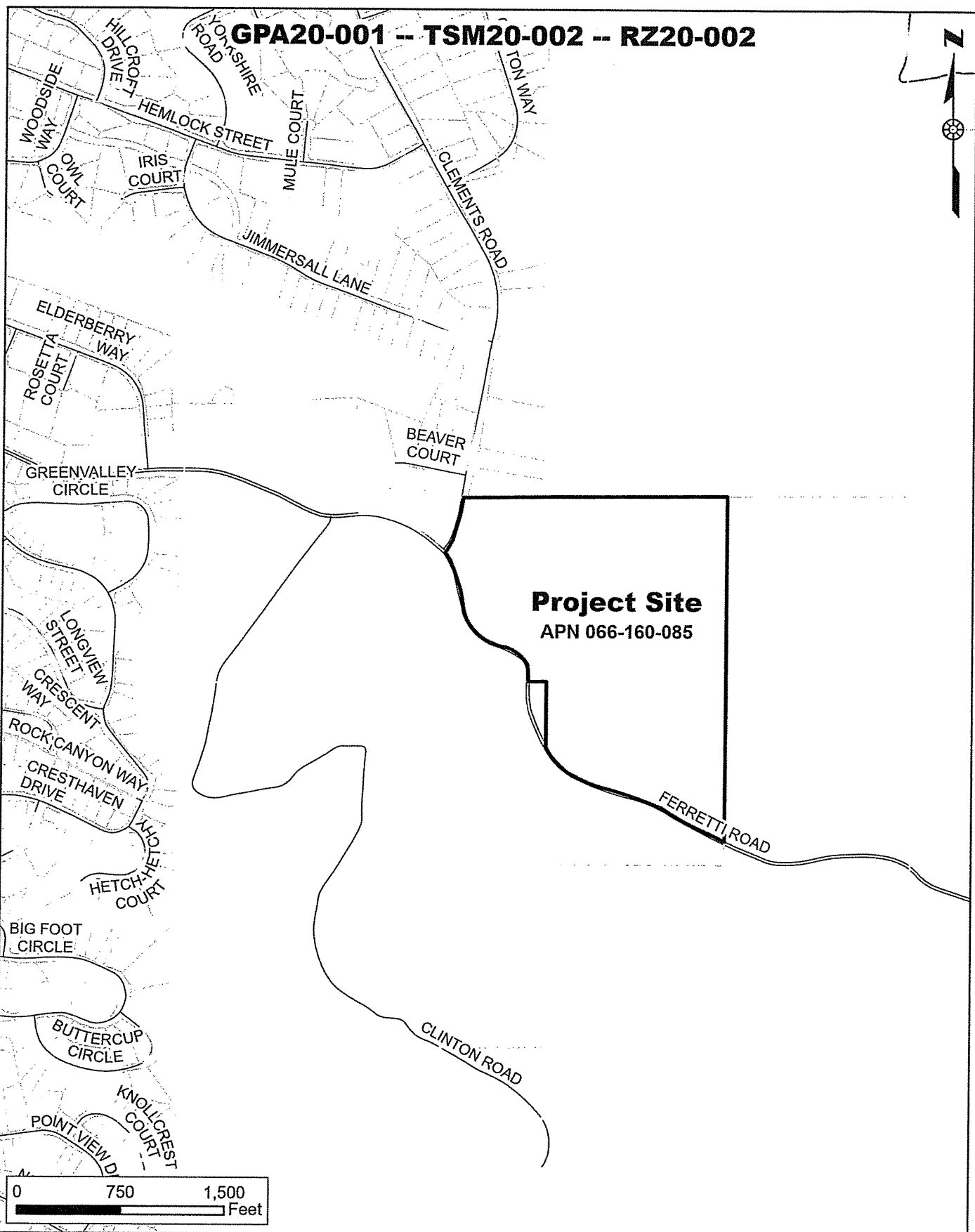
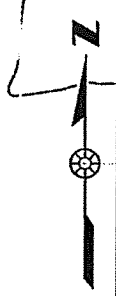
Signed by: 

Agency: Groveland Community Services District

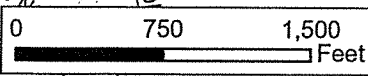
Date: 3/11/2020



GPA20-001 -- TSM20-002 -- RZ20-002



Project Site
APN 066-160-085



TO: GCSB Board of Directors

FROM: Pete Kampa, General Manager

DATE: March 9, 2021

SUBJECT: Agenda Item 6B. Consideration of Authorizing the General Manager to Negotiate an Agreement for the Update of the District Injury and Illness Prevention Program (IIPP/Safety Program) Not to Exceed the Amount Approved in the FY 2020-2021 Budget

RECOMMENDED ACTION:

Staff recommends the following motion:

I move to authorize the General Manager to Negotiate an Agreement with a Qualified Consultant for the Update of the District Injury and Illness Prevention Program (IIPP/Safety Program) Not to Exceed the Amount Approved in the FY 2020-2021 Budget.

BACKGROUND:

The district is required to maintain an adequate injury and illness prevention program (IIPP) which is one of the main components of a comprehensive safety program. The district's current IIPP appears to have been developed in 2004 using a generic format which has proven to be cumbersome and not containing all of the components that we should have to meet our objectives of providing the highest level of employee safety.

During the fall of 2020, we hired an independent consultant to perform an Environmental Health and Safety Compliance Assessment. Safety compliance topics evaluated in the assessment covered the following areas:

- Injury and Illness Prevention
- Hazard Communication
- Emergency Action Plan
- Hearing Conservation
- Confined Space
- Fall Protection and Ladder Safety
- Ergonomics Program
- Electrical Safety
- Lockout/Tagout
- Chemical Hygiene Plan
- Bloodborne Pathogen
- Respiratory Protection
- Personal Protective Equipment
- Hot Work
- Workplace Violence
- Trenching, Shoring and Excavation Safety

- Heavy Equipment Operations
- Temporary Traffic Control and Flagger Safety
- Welding
- Covid-19
- Wildfire Smoke

The assessment identified areas are program that were missing, need to be updated in compliance with current laws, and those that simply need to be upgraded. The assessment outlines priorities and timelines for update of the program, which needs to occur immediately. To ensure that all aspects of the safety program including the injury and illness prevention program are integrated and function well for our district, management is strongly recommending that the entire program be updated.

Knowing that we were facing a complete rewrite of the safety program we have budgeted \$85,000 this fiscal year for the work. Due to the urgent need to update the program staff seeks the authority do identify an appropriate qualified vendor with the capability to immediately proceed with update of the safety manual and complete the project for reasonable cost, within our budget. Our expectation of the consultant is that the manual will be 100% complete in specific to our services and needs, and not require additional fill in the blanks work by district staff. In other words the program will not be generic and it will work for us.

On review of the historical documentation related to our safety program, it is obvious that up until approximately 2010, the district had secured the services of outside safety consultants for technical safety training and to keep our safety program updated. As with many critical aspects of our business when we began deeply cutting costs without understanding the repercussions, we left our safety program decimated and safety compliance at risk.

It is also our intent once the safety program is updated, to have professional assistance in implementing certain technical aspects of the safety program including on site and virtual training. Staff will return to the board when the safety program is updated to discuss a consulting arrangement for the mandatory components of our technical safety training.

ATTACHMENTS: None

FINANCIAL IMPACT:

The District has budgeted \$85,000 for the update and potential complete rewrite of the District safety program. Once the consultant and District have negotiated the final scope of work and fee, the amount will be reported to the Board. The work scope will include all items necessary to update the program, update all mandatory training, and all necessary forms, schedules and implementation actions detailed as required.



BOARD MEETING AGENDA SUBMITTAL

TO: GCSB Board of Directors

FROM: Pete Kampa, General Manager

DATE: March 9, 2021

SUBJECT: Agenda Item 6C. Consideration and Board Direction Regarding Preparation of a Letter Regarding Concerns with the Reliability of Services Provided by AT&T During Power Outages and Emergencies

RECOMMENDED ACTION:

Board direction is requested regarding preparation of a letter to AT&T to address the concern with the reliability of services during power outages.

BACKGROUND:

This item was brought to the Board's attention at the Regular Meeting on February 9, 2021 and was placed on the Agenda today to have a discussion and receive staff direction.

ATTACHMENTS:

None.

FINANCIAL IMPACT:

None.

TO: GCSO Board of Directors

FROM: Pete Kampa, General Manager

DATE: March 9, 2021

SUBJECT: Agenda Item 6D. Board Direction Regarding the District Participation in
Emergency Siren Systems Providing Evacuation Notifications

RECOMMENDED ACTION:

Board direction is requested regarding interest in GCSO management and fire department staff further evaluating the applicability, functionality and logistics related to the potential installation of emergency warning sirens.

BACKGROUND:

At our February 2021 board meeting, there was significant discussion about potential opportunities to improve notification to residents and visitors residents during emergencies. This item was placed on this agenda to give the board an opportunity to have a robust public discussion about this topic and the district's role, if any.

Should the Board direct staff to proceed with further evaluation of siren or warning system installation, an addition to the approved Management Objectives should be made to reflect the additional work,

ATTACHMENTS:

None.

FINANCIAL IMPACT:

No direct expenditures at this time, other than staff time to perform research and coordination.



BOARD MEETING AGENDA SUBMITTAL

TO: GCSO Board of Directors
FROM: Pete Kampa, General Manager
DATE: March 9, 2021
SUBJECT: Agenda Item 6E. Board Direction Regarding Interest in Advanced Customer Notification Systems that Include the Ability to Receive Text and Email Messages

RECOMMENDED ACTION:

Provide Board Direction Regarding Interest in Advanced Customer Notification Systems

BACKGROUND:

This item is before you today for discussion and direction to staff related to whether the board is interested in investing in additional technologies and systems to make customer notification systems more reliable and automatic, for such events as water outages and restorations, water quality issues and other matters. This discussion is not generated because of specific requests from customers, rather it is for discussion due to the fact that we are currently unable to consistently update social media and website with real-time information related to water outages and other customer emergencies.

There is simply no answer for keeping the website up to date with current, relevant information around the clock. Social media is where we tend to have the difficulty in closing the loop on certain communications. For example it has become fairly routine for us to be able to notify customers of a water main break resulting in a water outage. Where it becomes difficult is having operators or the office generate timely and relevant posts when the repairs are completed. Our success has been sporadic and based on workload, time of day, repair difficulty and employee fatigue. There may be “push-of-button type software/hardware solutions to which we can transition and allow our messaging to be more consistent.

We currently have in place and regularly deploy during and after office hours (on call, on overtime), a communication program that allows us to identify affected customers and make phone calls or send electronic messages to notify them of emergency situations affecting their service. Staff handles all emergencies seriously and is comfortable with the system in place, it can be used in the office during regular hours, and it can be used remotely after hours in the event of an emergency. If the Board is not satisfied with the level of the service that is in place, staff can look for alternant options and bring it back to the Board.

ATTACHMENTS:

None.

FINANCIAL IMPACT:

None, at this time.